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BILL 132  
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Government  
Publications 117

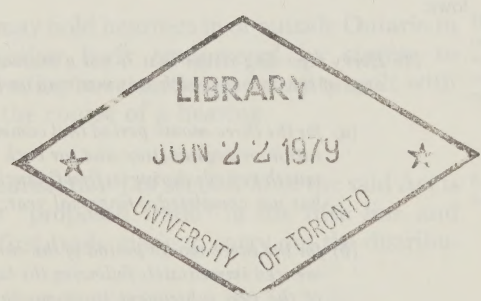
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislative Assembly  
///

An Act to amend The Securities Act, 1978

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



## EXPLANATORY NOTES

SECTION 1. Paragraph 24 of subsection 1 of section 1 now reads as follows:

24. "*misrepresentation*" means,

- i. an untrue statement of material fact, or*
- ii. an omission to state a material fact.*

The amendment clarifies the nature of an omission that will be interpreted as a misrepresentation.

SECTION 2. The amendment clarifies the powers of the Commission where hearings of the Commission and other securities commissions are combined to deal with circumstances involving identical or similar issues and parties.

SECTION 3. The current wording of section 71 (7) (b) (i) indicates that the notice therein referred to must be filed before each trade. The amendment requires only that the notice be filed before the first trade in the series of trades that may be required to effect the distribution.

SECTION 4.—Subsection 1. Subsection 1 of section 76 now reads as follows:

(1) *Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,*

*(a) for the three-month period that commenced on the date of incorporation or organization and for each of the two subsequent three-month periods during its first financial year, if the reporting issuer has not completed a financial year; or*

*(b) for the three-month period of the current financial year that commenced immediately following the last financial year and for each of the two subsequent three-month periods during the current financial year, including a comparative statement for the corresponding three-month period in the last financial year, if the reporting issuer has completed a financial year,*

*made up and certified as required by the regulations and in accordance with generally accepted accounting principles.*

The re-enactment of clauses *a* and *b* clarify that the reporting issuer is required to file, at the end of each three-month period, an interim cumulative financial statement.

BILL 132

1979

## An Act to amend The Securities Act, 1978

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 24 of subsection 1 of section 1 of *The Securities Act, 1978*, being chapter 47, is repealed and the following substituted therefor:
  - ii. an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.

s. 1 (1),  
par. 24,  
subpar. ii,  
re-enacted
2. Section 2 of the said Act is amended by adding thereto the following subsection:
 

(4) The Commission may hold hearings in or outside Ontario in conjunction with any other body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

s. 2,  
amended
3. Subclause i of clause *b* of subsection 7 of section 71 of the said Act is amended by striking out "proposed trade" in the fifth line and inserting in lieu thereof "first trade made to carry out the distribution".
 

s. 71 (7) (b) (i),  
amended
- 4.—(1) Clauses *a* and *b* of subsection 1 of section 76 of the said Act are repealed and the following substituted therefor:
 

(a) to the end of each of the three-month, six-month and nine-month periods that commenced on the date of incorporation or organization if the reporting issuer has not completed a financial year; or

s. 76 (1) (a, b),  
re-enacted

- (b) to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year including a comparative statement to the end of each of the corresponding periods in the last financial year, if the reporting issuer has completed a financial year,

s. 76 (2),  
amended

- (2) Subsection 2 of the said section 76 is amended by inserting after “certified” in the tenth line “as required”.

s. 88 (2) (d),  
amended

- 5.—**(1) Clause *d* of subsection 2 of section 88 of the said Act is amended by striking out “subsection” in the sixth and seventh lines and inserting in lieu thereof “clause”.

s. 88 (3) (a),  
amended

- (2) Clause *a* of subsection 3 of the said section 88 is amended by striking out “the terms and conditions” in the second and third lines and inserting in lieu thereof “terms and conditions requiring such purchase, redemption or other acquisition that were”.

s. 89 (1),  
par. 10,  
amended

- 6.—**(1) Paragraph 10 of subsection 1 of section 89 of the said Act is amended by adding at the end thereof “but those securities shall be counted in the determination of whether a condition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled”.

s. 89 (1),  
par. 12,  
amended

- (2) Paragraph 12 of subsection 1 of the said section 89 is amended by striking out “the right to withdraw the offer if” in the second line and inserting in lieu thereof “not to take up and pay for shares deposited if”.

s. 89 (1),  
par. 12 (b),  
amended

- (3) Clause *b* of paragraph 12 of subsection 1 of the said section 89 is amended by striking out “or” in the fifth line and inserting in lieu thereof “and”.

s. 89 (1),  
par. 13,  
amended

- (4) Paragraph 13 of subsection 1 of the said section 89 is amended by striking out “making” in the fourth line and inserting in lieu thereof “date”.

s. 90 (1),  
re-enacted

- 7.** Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Notice of variation in take-over bid or issuer bid

90.—(1) Where a significant change has occurred in the information contained in a take-over bid circular or issuer bid circular while the offer is still outstanding or where a take-over bid or an issuer bid has been varied by changing any of its terms, every person or company whose shares have not been taken up and paid for and who has been sent the take-over bid circular or issuer bid circular shall be sent notice of such change or variation and,

Subsection 2. The amendment corrects an error.

SECTION 5.—Subsection 1. The amendment corrects an error.

Subsection 2. Clause *a* of subsection 3 of section 88 is set out below, showing underlined the proposed amendment:

(3) *An issuer bid is exempted from the requirements of this Part where,*

(a) *the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions requiring such purchase, redemption or other acquisition that were agreed to at the time they were issued or subsequently varied by amendment of the documents setting out those terms and conditions, or are acquired to meet sinking fund requirements or from an employee of the issuer or an employee of an affiliate;*

The amendment clarifies the nature of the exemption available under clause *a*.

SECTION 6.—Subsection 1. The amendment prevents an offeror from frustrating acceptance of the offer contained in the take-over bid circular by his own purchases in the market.

Subsections 2, 3, 4. The amendments are housekeeping in nature.

SECTION 7. The proposed amendment to section 90 clarifies the manner in which the time available for accepting take-over bids is extended when significant as well as relatively insignificant variations or changes are introduced into the bid.

SECTION 8. The proposed amendment to section 99 provides a mechanism for avoiding interjurisdictional conflicts where the time periods in other jurisdictions related to a take-over bid or an issuer bid are different than the time periods set out in sections 89 and 90 of the Act.

SECTION 9. Section 131 makes every person or company in a special relationship with a reporting issuer liable for damages resulting from the improper use of his knowledge of a material fact or material change related to the reporting issuer that has not been generally disclosed.

The amendments clarify that it is the person or company in a special relationship with a reporting issuer who is liable for damages under the section.

- (a) except where the variation or change is solely an increase in the amount of cash offered or relates to some other matter prescribed in the regulations for purposes of clause *b*, the date of the take-over bid or issuer bid shall, for the purposes of paragraphs 3 and 4 of subsection 1 of section 89, be deemed to be the date of the sending of the notice of such change or variation, and if the twenty-one day period referred to in paragraph 2 of that subsection or the thirty-five day period referred to in paragraphs 7 and 13 of that subsection would otherwise expire less than ten days after the date of the sending of the notice of such change or variation then paragraphs 2, 7 and 13 shall be read as if the periods therein referred to expire on the date which is ten days after the date of the sending of such notice of change or variation; and
- (b) where the variation or change is solely an increase in the amount of cash offered or relates to some other matter prescribed in the regulations for purposes of this clause, then the period in which securities may be deposited shall not expire less than three business days after the sending of the notice of change or variation and the time periods referred to in paragraphs 2, 7 and 13 of subsection 1 of section 89 shall be extended to the extent necessary to permit compliance with this clause,

but a variation in the terms of an offer shall not result in an extension of the thirty-five day period referred to in paragraphs 7 and 13 of subsection 1 of section 89 unless the offeror files with the Commission a certificate of two senior officers duly authorized to execute the certificate that the variation is made for proper business purposes and not merely to obtain an extension of that period.

8. Section 99 of the said Act is amended by relettering clauses *a* to *e* as clauses *b* to *f* and by adding thereto the following clause: s. 99,  
amended

- (a) change the time periods set out in sections 89 and 90 in their application to take-over bids or issuer bids that are subject to corresponding requirements, but with different time periods, imposed under applicable legislation of Canada or of a province or territory of Canada, and such change shall apply to take-over bids or issuer bids that satisfy the criteria set out in the order of the Commission making the change.

- 9.—(1) Subsections 1 and 2 of section 131 of the said Act are repealed and the following substituted therefor: s. 131 (1, 2),  
re-enacted

(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting

Liability of person or company in special relationship with a reporting issuer where material fact or change undisclosed

issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with the reporting issuer who, directly or indirectly, and other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter sells securities of the reporting issuer, is liable to compensate the purchaser of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the purchaser; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling the securities or in communicating knowledge of the material fact or material change, as the case may be.

Idem

(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with the reporting issuer who, directly or indirectly and, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter purchases securities of the reporting issuer, is liable to compensate the vendor of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the vendor; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

- (2) Subsections 4 and 5 of the said section 131 are repealed and the following substituted therefor: s. 131 (4, 5). re-enacted

(4) Every person or company in a special relationship with a reporting issuer who acts as described in subsection 1 or subsection 2 who is also an insider of the reporting issuer, or who is an associate or affiliate of such insider, is, in addition to the liability imposed by subsection 1 or 2, accountable to the reporting issuer for any benefit or advantage received or receivable by the insider or associate or affiliate, as the case may be. Accountability for gain

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection 1 or subsection 2 as to the same transaction or series of transactions, their liability is joint and several. Liability joint and several

- 10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

- 11.** The short title of this Act is *The Securities Amendment Act, 1979*. Short title





# BILL 132

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An Act to amend  
The Securities Act, 1978

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*1st Reading*

June 15th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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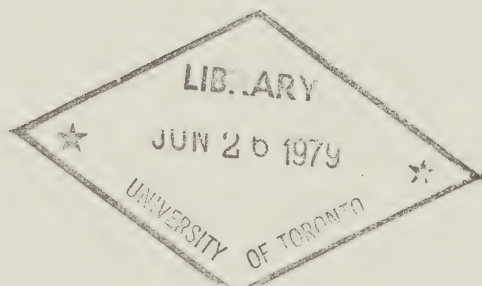
*(Government Bill)*

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3RD SESSION, 31ST LEGISLATURE OF ONTARIO  
28 ELIZABETH II, 1979

**An Act to repeal  
The Income Tax Discounters Act, 1977**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTE

The subject-matter of the Act is now governed by federal legislation.

BILL 133

1979

**An Act to repeal  
The Income Tax Discounters Act, 1977**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Income Tax Discounters Act, 1977*, being chapter 55 and *The Income Tax Discounters Amendment Act, 1978*, being chapter 1, are repealed. 1977, c. 55,  
1978, c. 1,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Income Tax Discounters Repeal Act, 1979*. Short title

An Act to repeal  
The Income Tax Discounters Act, 1977

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*1st Reading*

June 15th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and Commercial  
Relations

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*(Government Bill)*

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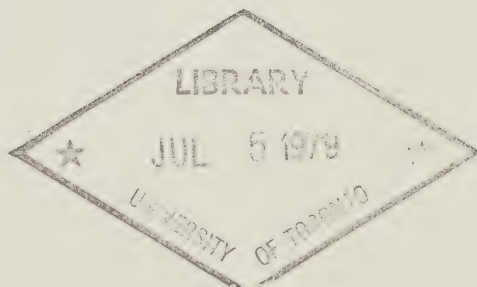
**BILL 133**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

**An Act to repeal  
The Income Tax Discounters Act, 1977**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





BILL 133

1979

**An Act to repeal  
The Income Tax Discounters Act, 1977**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Income Tax Discounters Act, 1977*, being chapter 55 and *The Income Tax Discounters Amendment Act, 1978*, being <sup>1977, c. 55,  
1978, c. 1,</sup> chapter 1, are repealed <sup>repealed</sup>.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
3. The short title of this Act is *The Income Tax Discounters Repeal Act, 1979*. <sup>Short title</sup>

An Act to repeal  
The Income Tax Discounters Act, 1977

---

*1st Reading*

June 15th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

June 21st, 1979

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THE HON. FRANK DREA  
Minister of Consumer and Commercial  
Relations

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3  
F **BILL 134**

G  
Public  
**Private Member's Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

**An Act to provide for an  
All Ontario Pitch-In Day**

MR. MILLER  
(Haldimand-Norfolk)



#### EXPLANATORY NOTE

The purpose of the Bill is to provide for an All Ontario Pitch-In Day. The All Ontario Pitch-In Day would be a day during the year on which all residents of Ontario would be encouraged to undertake special efforts to keep the environment free of litter.

BILL 134

1979

## An Act to provide for an All Ontario Pitch-In Day

**W**HEREAS every resident in Ontario is entitled to enjoy <sup>Preamble</sup> the beauty of an urban and rural landscape that is clean and free of litter; and whereas each resident of Ontario should be encouraged to accept individual responsibility for maintaining a clean environment and to participate actively in an effort to keep the environment free of litter;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** There shall be one day in every year, on a day to be <sup>All Ontario Pitch-In Day</sup> named by proclamation of the Lieutenant Governor, that is known as All Ontario Pitch-In Day and this day shall be celebrated throughout the Province of Ontario.

**2.—(1)** Every ministry of the Government of Ontario <sup>Government effort to facilitate participation</sup> shall make a reasonable effort to facilitate participation by residents of Ontario in the All Ontario Pitch-In Day and the Government of Ontario, at least thirty days before the All Ontario Pitch-In Day, shall notify the public of programs and services offered by each ministry in support of the Day.

**(2)** The Ministry of Education shall encourage every school <sup>Ministry of Education</sup> board and school to develop special programs and activities and otherwise participate in the All Ontario Pitch-In Day, and, for the purposes of each school that participates in the Day, the Day shall be considered as a regular school day in the school year.

**3.** The Government of Ontario shall ensure that an <sup>Disposal stations</sup> adequate number of highway litter and sanitation disposal stations are available throughout the Province of Ontario for the purposes of the residents of Ontario who participate in the All Ontario Pitch-In Day.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is *The All Ontario Pitch-In Day Act, 1979*.







**BILL 134**

An Act to provide for an  
All Ontario Pitch-In Day

*1st Reading*

June 15th, 1979

*2nd Reading*

*3rd Reading*

MR. MILLER  
(Haldimand-Norfolk)

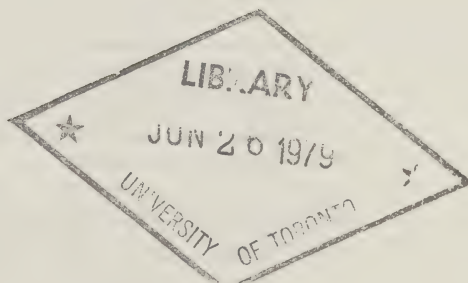
*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

21 *Legislative Assembly*

## An Act to amend The Police Act

THE HON. R. MCMURTRY  
Solicitor General



#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. Subsection 2 of section 8 of the Act now reads as follows:

- (2) *The board, except as provided in subsection 3, shall consist of,*
- (a) *the head of the council;*
  - (b) *a judge of any county or district court designated by the Lieutenant Governor in Council; and*
  - (c) *such person as the Lieutenant Governor in Council may designate.*

The requirement that one of the members of a board of police commissioners shall be a county or district court judge is removed.

Subsection 2. Subsections 3 and 4 of section 8 of the Act now read as follows:

- (3) *Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Solicitor General may in writing appoint some other judge or person, as the case may be, to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.*
- (4) *The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant Governor in Council or appointed by the Solicitor General and may provide for the payment of an allowance to the head of the council.*

The re-enactment of the subsections is complementary to subsection 1.

BILL 135

1979

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 8 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is repealed<sup>s. 8 (2), re-enacted</sup> and the following substituted therefor:
  - (2) The board, except as provided in subsection 3, shall<sup>Composition of board</sup> consist of,
    - (a) the head of the council; and
    - (b) two persons appointed by the Lieutenant Governor in Council.
  - (2) Subsections 3 and 4 of the said section 8, as amended by<sup>s. 8 (3, 4), re-enacted</sup> the Statutes of Ontario, 1972, chapter 1, section 97, are repealed and the following substituted therefor:
    - (3) Where a vacancy occurs on the board by reason of the<sup>Vacancies</sup> death of a member appointed by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Solicitor General may in writing appoint some other person to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.
    - (4) The council shall provide for the payment of a reason-<sup>Remuneration</sup>able remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of an allowance to the head of the council.

s. 9 (2),  
re-enacted

- 2.** Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Composition  
of board

(2) A joint board established under subsection 1 shall consist of,

(a) the head of the council of each of the municipalities;  
and

(b) such other persons as the Lieutenant Governor in Council may appoint.

Commence-  
ment

- 3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 4.** The short title of this Act is *The Police Amendment Act, 1979*.

SECTION 2. Subsection 2 of section 9 of the Act now reads as follows:

(2) *A joint board established under subsection 1 shall consist of,*

*(a) the head of the council of each of the municipalities;*

*(b) such judge and such other persons as the Lieutenant Governor in Council may designate.*

The re-enactment of the subsection is complementary to section 1 of the Bill.





An Act to amend  
The Police Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. McMURTRY  
Solicitor General

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*(Government Bill)*

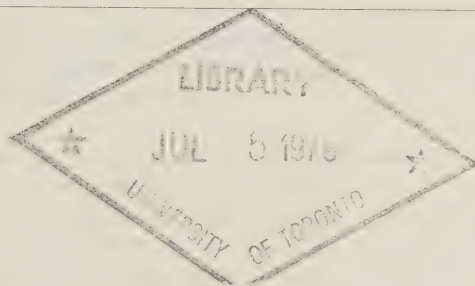
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*17* BILL 135

3RD SESSION, 31ST LEGISLATURE, *17* ONTARIO  
28 ELIZABETH II, 1979 *Legislative Assembly*

**An Act to amend The Police Act**

THE HON. R. McMURTRY  
Solicitor General





## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 8 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is repealed<sup>s. 8 (2), re-enacted</sup> and the following substituted therefor:
  - (2) The board, except as provided in subsection 3, shall<sup>Composition of board</sup> consist of,
    - (a) the head of the council; and
    - (b) two persons appointed by the Lieutenant Governor in Council.
  - (2) Subsections 3 and 4 of the said section 8, as amended by<sup>s. 8 (3, 4), re-enacted</sup> the Statutes of Ontario, 1972, chapter 1, section 97, are repealed and the following substituted therefor:
    - (3) Where a vacancy occurs on the board by reason of the<sup>Vacancies</sup> death of a member appointed by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Solicitor General may in writing appoint some other person to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.
    - (4) The council shall provide for the payment of a reason-<sup>Remuneration</sup>able remuneration, not being less than the minimum prescribed by the regulations, to the members of the board appointed by the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of an allowance to the head of the council.

s. 9 (2),  
re-enacted

- 2.** Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Composition  
of board

(2) A joint board established under subsection 1 shall consist of,

(a) the head of the council of each of the municipalities;  
and

(b) such other persons as the Lieutenant Governor in Council may appoint.

Commence-  
ment

- 3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 4.** The short title of this Act is *The Police Amendment Act, 1979*.







An Act to amend  
The Police Act

*1st Reading*

June 18th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

June 21st, 1979

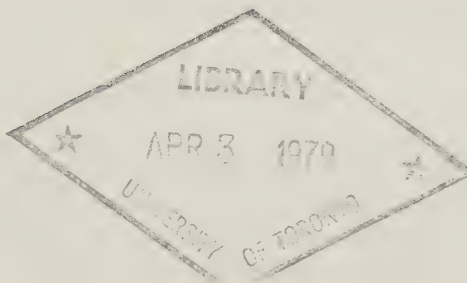
THE HON. R. McMURTRY  
Solicitor General

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislative A  
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**An Act to stabilize  
Employment of Tradesmen in the Construction Industry**

THE HON. R. G. ELGIE  
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to enable the Minister, with the approval of the Lieutenant Governor in Council, to issue a code or code of employment practices establishing measures and procedures respecting employment in the construction industry including provisions that tradesmen permanently resident in Ontario be given employment preference.

BILL 136

1979

## An Act to stabilize Employment of Tradesmen in the Construction Industry

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "construction" means the erection, alteration, repair, extension or demolition of a building, structure, road, pipeline, utility main or sewer, trench or tunnel and includes the installation of any fixtures, materials, services or machinery therein and any work in connection therewith at the construction site;
- (b) "construction industry" means the businesses engaged in construction and includes a person who contracts with any person to undertake all the work on a construction site and an owner who contracts with more than one person for parts of the work on a construction site or undertakes all or part of the work on a construction site himself;
- (c) "employment" means the hiring of or contracting with tradesmen;
- (d) "Minister" means the Minister of Labour;
- (e) "permanently resident in Ontario" means actual residence in Ontario for a period of at least twelve months within the fifteen months immediately prior to employment or actual residence in Ontario with the settled intention of permanently residing in Ontario;
- (f) "tradesmen" means persons who engage in a trade, calling or occupation in construction or who represent themselves as being available to work on a construction site in a trade, calling or occupation.

Minister  
may issue  
code

**2.**—(1) Where in the opinion of the Minister it is necessary to eliminate or reduce instability in the employment of tradesmen by the construction industry, or to promote employment opportunities therein, the Minister, subject to the approval of the Lieutenant Governor in Council, may issue a code or codes of employment practices establishing measures and procedures respecting the employment of tradesmen in construction, including provisions that tradesmen permanently resident in Ontario shall be given preference in employment.

Application  
of code

(2) A code of employment practices may,

- (a) apply to the whole or any part of Ontario;
- (b) apply to the whole or any part of the construction industry or of construction;
- (c) apply to tradesmen generally or specifically; and
- (d) provide for exemptions therefrom.

Minister  
may amend  
or revoke  
code

(3) The Minister, subject to the approval of the Lieutenant Governor in Council, may amend or revoke any code of employment practices or any provision thereof.

R.S.O. 1970,  
c. 410  
does not  
apply

(4) *The Regulations Act* does not apply to a code of employment practices issued under this Act.

Publication  
of code  
and effect  
of publication

(5) A code of employment practices and any amendment or revocation thereof shall be published in *The Ontario Gazette* and such publication shall be deemed to be notice of its contents to every person and trade union subject to it or affected by it, and judicial notice shall be taken of it, its contents and its publication.

Code to  
bind

**3.** A code of employment practices binds every person and trade union subject to it or affected by it.

Records to  
be kept

**4.** An employer to whom a code of employment practices applies shall keep a record of work hours of employment of tradesmen who are permanently resident in Ontario and of tradesmen who are not permanently resident in Ontario.

Offence

**5.**—(1) Every person or trade union who contravenes or fails to comply with,

- (a) a provision of this Act; or
- (b) a code of employment practices or a provision thereof,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

(2) It shall be a defence to a prosecution under clause *b* of subsection 1 for an accused to prove that he took every reasonable step to comply with a code of employment practices or the relevant provisions thereof.

Defence to prosecution

(3) Anything done or neglected to be done by a person who purports to act on behalf of an employer or trade union shall be deemed to have been done or have been neglected to be done by the employer or trade union as well as by the person.

Acts deemed acts of employer or trade union

(4) A prosecution for an offence under this Act may be instituted against a trade union in the name of the trade union.

Prosecution against trade union

**6.** A code of employment practices issued under this Act applies notwithstanding the provisions of any other Act of the Legislature or of any collective agreement or any rules, practices, by-laws or provisions of the constitution of a trade union.

Application of code

**7.** This Act comes into force on the day it receives Royal Assent.

Commence-ment

**8.** The short title of this Act is *The Construction Industry Employment Stabilization Act, 1979*.

Short title





An Act to stabilize Employment of  
Tradesmen in the Construction Industry

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*1st Reading*

March 6th, 1979

*2nd Reading*

March 6th, 1979

*3rd Reading*

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THE HON. R. G. ELGIE  
Minister of Labour

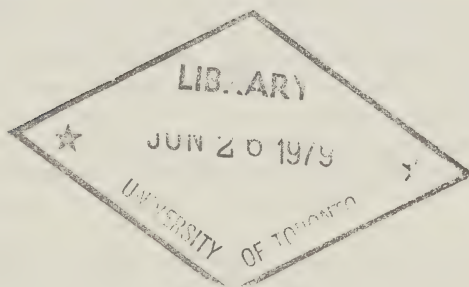
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(*Government Bill*)

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend The Municipal Act**

MR. WILDMAN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the separate taxation of mobile home park operators and mobile home owners. Where a mobile home is assessed and taxed by a municipality, the tax collector must send a tax notice to the mobile home owner indicating the amount of tax to be paid in respect of the assessed property. Any taxes due in respect of an assessed mobile home constitute a lien on the mobile home rather than against the land of the owner of the mobile home park.

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 521b,  
enacted

521b.—(1) Where one or more mobile homes located in a mobile home park is assessed under *The Assessment Act* and a tax is levied upon that assessment, the collector shall give to the owner of the mobile home park and to each owner of an assessed mobile home a separate written or printed notice specifying the amount of taxes to be paid by each owner, and the collector shall deliver the notice or cause it to be delivered to each owner at his residence or upon the premises in respect of which the taxes are payable and may call on each person taxed at his usual residence and demand payment of the taxes. Separate  
tax bills  
for mobile  
home parks  
R.S.O. 1970,  
c. 32

(2) Notwithstanding section 511, the taxes due upon an assessed mobile home and set out in a notice referred to in subsection 1 are a special lien on the mobile home only and the special lien has priority in relation to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration. Lien on  
mobile home

(3) In this section, “mobile home” and “mobile home park” have the same meaning as in *The Landlord and Tenant Act*. Interpre-  
tation  
R.S.O. 1970,  
c. 236

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Municipal Amendment Act, 1979*. Short title

# BILL 137

An Act to amend  
The Municipal Act

*1st Reading*

June 18th, 1979

*2nd Reading*

*3rd Reading*

MR. WILDMAN

*(Private Member's Bill)*

2  
7  
**BILL 138**

**Private Member's Bill**

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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*Legislative Assembly*

**An Act to amend The Education Act, 1974**

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MR. WILDMAN

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TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the separate taxation of mobile home park operators and mobile home owners. Where a mobile home is taxed for school purposes by a municipality or school board, the tax collector or secretary of the school board must send a tax notice to the mobile home owner indicating the amount of tax to be paid in respect of the assessed property. Any lien resulting from non-payment of tax by the mobile home owner may arise only on the mobile home and not on the land of the owner of the mobile home park.

## An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 220 of *The Education Act, 1974*, being chapter 109, is amended by striking out "section 221" in the first line and inserting in lieu thereof "sections 221 and 221a". s. 220 (1),  
amended
2. The said Act is amended by adding thereto the following section: s. 221a,  
enacted

221a.—(1) Where a rate is levied for school purposes on a mobile home or trailer that is located in a mobile home park, trailer park or trailer camp, the tax collector or the secretary of the board, as the case may be, shall give to the owner of the park and to each owner of an assessed mobile home or trailer a separate written or printed notice specifying the amount of taxes to be paid by each owner, and the collector or secretary shall deliver the notice or cause it to be delivered to each owner at his residence or upon the premises in respect of which the taxes are payable and may call on each person taxed at his usual residence and demand payment of the taxes. Separate  
tax bills

(2) Notwithstanding anything in this Act or any other Act, no charge or lien arises on the land of an owner of a mobile home park or trailer park in respect of a payment due from an owner of an assessed mobile home or trailer home for a rate levied for school purposes and set out in a notice referred to in subsection 1. No charge  
arises

(3) In this section, "mobile home" and "mobile home park" have the same meaning as in *The Landlord and Tenant Act*. Interpre-  
tation  
R.S.O. 1970,  
c. 236

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. The short title of this Act is *The Education Amendment Act, 1979*. Short title

An Act to amend  
The Education Act, 1974

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*1st Reading*

June 18th, 1979

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

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*(Private Member's Bill)*

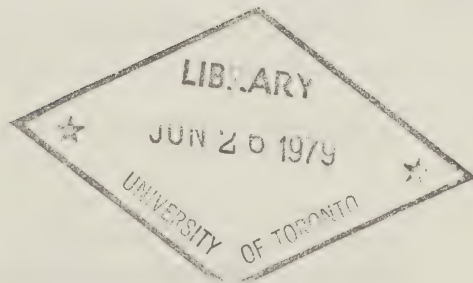
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

**An Act to amend  
The Legislative Assembly Act**

THE HON. R. WELCH  
Provincial Secretary for Justice



#### EXPLANATORY NOTES

SECTION 1. The annual indemnity of members of the Assembly is increased from \$20,012 to \$22,000.

The annual allowance for expenses of members of the Assembly is increased from \$7,800 to \$8,000.

SECTION 2. Representation allowances are increased:

1. For the Premier, from \$4,680 to \$4,914.
2. For the Leader of the Opposition, from \$3,120 to \$3,276.
3. For the Leader of the Third Party, from \$1,560 to \$1,638.

The Speaker's representation allowance is removed.

SECTION 3. Additional indemnities are increased:

1. For the Speaker, from \$9,360 to \$15,000.
2. For the Leader of the Opposition, from \$18,720 to \$19,656.
3. For the Leader of the Third Party, from \$5,200 to \$5,460.

BILL 139

1979

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 1, are repealed and the following substituted therefor:
 

s. 60 (1, 2),  
re-enacted

(1) An indemnity at the rate of \$22,000 per annum shall be paid to every member of the Assembly.
 

Members' indemnities

(2) An allowance for expenses at the rate of \$8,000 per annum shall be paid to every member of the Assembly.
 

Members' allowances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 2, is repealed and the following substituted therefor:
 

s. 61,  
re-enacted

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,
 

Allowance for expenses of representation

(a) to the Premier, at the rate of \$4,914 per annum;

(b) to the Leader of the Opposition, at the rate of \$3,276 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,638 per annum.

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 3, is repealed and the following substituted therefor:
 

s. 62 (1),  
re-enacted

Indemnity;  
of Speaker,  
Leader of  
Opposition  
and leader of  
a minority  
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$15,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$19,656 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,460 per annum.

s. 62a,  
re-enacted

4. Section 62a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 4, is repealed and the following substituted therefor:

Cost of  
accommoda-  
tion in  
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

s. 63 (1),  
re-enacted

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 5, is repealed and the following substituted therefor:

Chairman and  
Deputy  
Chairman of  
Whole House  
and Chairmen  
of standing  
committees,  
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$6,500 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$4,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,000 per annum.

SECTION 4. The provision for payment of the actual cost of accommodation in Toronto for the Leader of the Opposition and for the Leader of the Third Party, where they reside outside Metropolitan Toronto, is increased from \$6,240 to \$6,552.

SECTION 5. Additional indemnities are increased:

1. For the Chairman of the Whole House, from \$5,200 to \$6,500.
2. For the Deputy Chairman of the Whole House, from \$3,120 to \$4,000.
3. For chairmen of standing committees, from \$2,080 to \$3,000.

SECTION 6. Additional indemnities to whips are increased as follows:

1. For the Chief Government Whip, from \$5,200 to \$6,500.
2. For the Deputy Government Whip, from \$3,120 to \$4,000.
3. For the Government Whips, from \$2,080 to \$2,750.
4. For the Chief Opposition Whip, from \$3,120 to \$4,000.
5. For the Opposition Whips, from \$2,080 to \$2,750.
6. For the Chief Party Whip of the Third Party, from \$2,600 to \$3,250.
7. For the Party Whip of the Third Party, from \$2,080 to \$2,500.

SECTION 7. The provision for payment to the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon of the actual cost of air travel within the electoral district is increased from \$2,600 to \$2,730, and the provision for payment to any other member of his actual costs of accommodation expended due to unusual or special circumstances while on business as a member of the Assembly in the electoral district represented by the member is increased from \$2,600 to \$2,730.

6. Subsection 1 of section 64 of the said Act, as re-enacted by <sup>s. 64 (1),</sup> the Statutes of Ontario, 1978, chapter 98, section 6, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(1) In addition to his indemnity as a member, an <sup>Whips,</sup> indemnity shall be paid, <sup>indemnities</sup>

(a) to the Chief Government Whip, at the rate of \$6,500 per annum;

(b) to the Deputy Government Whip, at the rate of \$4,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,750 per annum;

(d) to the Chief Opposition Whip, at the rate of \$4,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,750 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$3,250 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,500 per annum.

7. Subsection 5 of section 65 of the said Act, as re-enacted by <sup>s. 65 (5),</sup> the Statutes of Ontario, 1978, chapter 98, section 7, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,730 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,730 in any year.

s. 68,  
re-enacted

- 8.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 10, is repealed and the following substituted therefor:

House  
Leaders'  
indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Opposition House Leader, at the rate of \$4,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the Official Opposition; and
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the party.

Commence-  
ment

- 9.** This Act shall be deemed to have come into force on the 1st day of April, 1979.

Short title

- 10.** The short title of this Act is *The Legislative Assembly Amendment Act, 1979*.

SECTION 8. Additional indemnities are increased as follows:

1. For the Opposition House Leader, from \$5,200 to \$4,500 plus \$50 in respect of each member of the Official Opposition.
2. For the House Leader of the Third Party, from \$2,600 to \$2,500 plus \$50 in respect of each member of the party.





An Act to amend  
The Legislative Assembly Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. WELCH  
Provincial Secretary for Justice

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*(Government Bill)*

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Publications

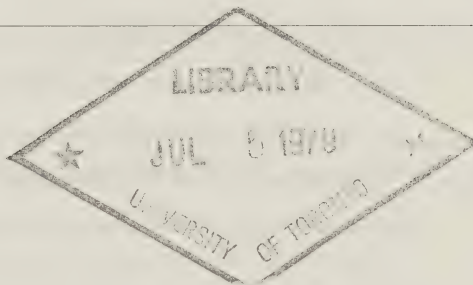
**BILL 139**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend  
The Legislative Assembly Act**

THE HON. R. WELCH  
Provincial Secretary for Justice



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. The annual indemnity of members of the Assembly is increased from \$20,012 to \$22,000.

The annual allowance for expenses of members of the Assembly is increased from \$7,800 to \$8,000.

SECTION 2. Representation allowances are increased:

1. For the Premier, from \$4,680 to \$4,914.
2. For the Leader of the Opposition, from \$3,120 to \$3,276.
3. For the Leader of the Third Party, from \$1,560 to \$1,638.

The Speaker's representation allowance is removed.

SECTION 3. Additional indemnities are increased:

1. For the Speaker, from \$9,360 to \$15,000.
2. For the Leader of the Opposition, from \$18,720 to \$19,656.
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BILL 139

1979

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 1, are repealed and the following substituted therefor:
 

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re-enacted

(1) An indemnity at the rate of \$22,000 per annum shall be paid to every member of the Assembly.
 

Members'  
indemnities

(2) An allowance for expenses at the rate of \$8,000 per annum shall be paid to every member of the Assembly.
 

Members'  
allowances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 2, is repealed and the following substituted therefor:
 

s. 61,  
re-enacted

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,
 

Allowance  
for expenses  
of repre-  
sentation

(a) to the Premier, at the rate of \$4,914 per annum;

(b) to the Leader of the Opposition, at the rate of \$3,276 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,638 per annum.

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 3, is repealed and the following substituted therefor:
 

s. 62 (1),  
re-enacted

Indemnity;  
of Speaker,  
Leader of  
Opposition  
and leader of  
a minority  
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$15,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$19,656 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,460 per annum.

s. 62a,  
re-enacted

4. Section 62a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 4, is repealed and the following substituted therefor:

Cost of  
accommoda-  
tion in  
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

s. 63 (1),  
re-enacted

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 5, is repealed and the following substituted therefor:

Chairman and  
Deputy  
Chairman of  
Whole House  
and Chairmen  
of standing  
committees,  
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$6,500 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$4,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,000 per annum.

SECTION 4. The provision for payment of the actual cost of accommodation in Toronto for the Leader of the Opposition and for the Leader of the Third Party, where they reside outside Metropolitan Toronto, is increased from \$6,240 to \$6,552.

SECTION 5. Additional indemnities are increased:

1. For the Chairman of the Whole House, from \$5,200 to \$6,500.
2. For the Deputy Chairman of the Whole House, from \$3,120 to \$4,000.
3. For chairmen of standing committees, from \$2,080 to \$3,000.

SECTION 6. Additional indemnities to whips are increased as follows:

1. For the Chief Government Whip, from \$5,200 to \$6,500.
2. For the Deputy Government Whip, from \$3,120 to \$4,000.
3. For the Government Whips, from \$2,080 to \$2,750.
4. For the Chief Opposition Whip, from \$3,120 to \$4,000.
5. For the Opposition Whips, from \$2,080 to \$2,750.
6. For the Chief Party Whip of the Third Party, from \$2,600 to \$3,250.
7. For the Party Whip of the Third Party, from \$2,080 to \$2,500.

SECTION 7.—Subsection 1. The provision for payment to the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon of the actual cost of air travel within the electoral district is increased from \$2,600 to \$2,730, and the provision for payment to any other member of his actual costs of accommodation expended due to unusual or special circumstances while on business as a member of the Assembly in the electoral district represented by the member is increased from \$2,600 to \$2,730.

6. Subsection 1 of section 64 of the said Act, as re-enacted by <sup>s. 64 (1),</sup> the Statutes of Ontario, 1978, chapter 98, section 6, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(1) In addition to his indemnity as a member, an <sup>Whips,</sup> indemnity shall be paid, <sup>indemnities</sup>

- (a) to the Chief Government Whip, at the rate of \$6,500 per annum;
- (b) to the Deputy Government Whip, at the rate of \$4,000 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$2,750 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$4,000 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$2,750 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
  - (i) to the Chief Party Whip of the party, at the rate of \$3,250 per annum, and
  - (ii) to the Party Whip of the party, at the rate of \$2,500 per annum.

- 7.—(1) Subsection 5 of section 65 of the said Act, as re-enacted <sup>s. 65 (5),</sup> by the Statutes of Ontario, 1978, chapter 98, section 7, <sup>re-enacted</sup> is repealed and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,730 <sup>air travel and accom-</sup> in any year, of transportation by airplane within the electoral <sup>modation</sup> district and of accommodation within the electoral district <sup>costs within</sup> or an electoral district contiguous thereto while on business <sup>certain</sup> as a member of the Assembly and any other member of the <sup>electoral</sup> Assembly may be paid such of his actual costs of accommo- <sup>districts or</sup> dation within the electoral district represented by him ex- <sup>under special</sup> pended due to unusual or special circumstances while on <sup>circumstances</sup> business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,730 in any year.

s. 65 (7) (a),  
amended

- (2) Clause *a* of subsection 7 of the said section 65, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is amended by striking out "with portfolio".

s. 68,  
re-enacted

- 8.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 10, is repealed and the following substituted therefor:

House  
Leaders'  
indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,



- (a) to the Opposition House Leader, at the rate of \$4,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the Official Opposition; and
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the party.

Commence-  
ment

- 9.** This Act shall be deemed to have come into force on the 1st day of April, 1979.

Short title

- 10.** The short title of this Act is *The Legislative Assembly Amendment Act, 1979*.

 Subsection 2. The amendment is complementary to subsection 1 of section 3a of *The Executive Council Act*, as set out in Bill 140. The actual cost of accommodation for all Ministers of the Crown who reside outside Metropolitan Toronto will now be provided for under *The Executive Council Act*. 

SECTION 8. Additional indemnities are increased as follows:

1. For the Opposition House Leader, from \$5,200 to \$4,500 plus \$50 in respect of each member of the Official Opposition.
2. For the House Leader of the Third Party, from \$2,600 to \$2,500 plus \$50 in respect of each member of the party.





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An Act to amend  
The Legislative Assembly Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

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THE HON. R. WELCH  
Provincial Secretary for Justice

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(Reprinted as amended by the  
Committee of the Whole House)

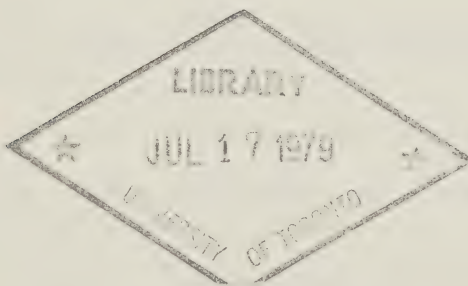
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# BILL 139

3RD SESSION, 31ST LEGISLATURE, <sup>T</sup>ONTARIO  
28 ELIZABETH II, 1979

## An Act to amend The Legislative Assembly Act

THE HON. R. WELCH  
Provincial Secretary for Justice





BILL 139

1979

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 1, are repealed and the following substituted therefor:
 

s. 60 (1, 2),  
re-enacted

(1) An indemnity at the rate of \$22,000 per annum shall be paid to every member of the Assembly.
 

Members' indemnities

(2) An allowance for expenses at the rate of \$8,000 per annum shall be paid to every member of the Assembly.
 

Members' allowances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 2, is repealed and the following substituted therefor:
 

s. 61,  
re-enacted

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,
 

Allowance for expenses of representation

(a) to the Premier, at the rate of \$4,914 per annum;

(b) to the Leader of the Opposition, at the rate of \$3,276 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,638 per annum.

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 3, is repealed and the following substituted therefor:
 

s. 62 (1),  
re-enacted

Indemnity;  
of Speaker,  
Leader of  
Opposition  
and leader of  
a minority  
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$15,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$19,656 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,460 per annum.

s. 62a,  
re-enacted

4. Section 62a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 4, is repealed and the following substituted therefor:

Cost of  
accommoda-  
tion in  
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

s. 63 (1),  
re-enacted

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 5, is repealed and the following substituted therefor:

Chairman and  
Deputy  
Chairman of  
Whole House  
and Chairmen  
of standing  
committees,  
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$6,500 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$4,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,000 per annum.

6. Subsection 1 of section 64 of the said Act, as re-enacted by <sup>s. 64 (1),</sup> the Statutes of Ontario, 1978, chapter 98, section 6, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(1) In addition to his indemnity as a member, an <sup>Whips,</sup> indemnity shall be paid, <sup>indemnities</sup>

(a) to the Chief Government Whip, at the rate of \$6,500 per annum;

(b) to the Deputy Government Whip, at the rate of \$4,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,750 per annum;

(d) to the Chief Opposition Whip, at the rate of \$4,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,750 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$3,250 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,500 per annum.

- 7.—(1) Subsection 5 of section 65 of the said Act, as re-enacted by <sup>s. 65 (5),</sup> the Statutes of Ontario, 1978, chapter 98, section 7, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,730 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business <sup>air travel and accom-</sup> as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommo- <sup>modation costs within</sup> dation within the electoral district represented by him exp- <sup>certain</sup> ended due to unusual or special circumstances while on <sup>electoral</sup> business as a member of the Assembly as may be approved <sup>districts or</sup> by the Board of Internal Economy, not exceeding \$2,730 <sup>under special</sup> in any year. <sup>circumstances</sup>

s. 65 (7) (a),  
amended

(2) Clause *a* of subsection 7 of the said section 65, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is amended by striking out “with portfolio”.

s. 68,  
re-enacted

**8.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 10, is repealed and the following substituted therefor:

House  
Leaders’  
indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Opposition House Leader, at the rate of \$4,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the Official Opposition; and

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the party.

Commence-  
ment

**9.** This Act shall be deemed to have come into force on the 1st day of April, 1979.

Short title

**10.** The short title of this Act is *The Legislative Assembly Amendment Act, 1979*.



An Act to amend  
The Legislative Assembly Act

*1st Reading*

June 18th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

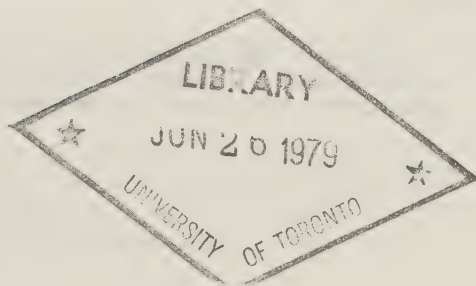
June 21st, 1979

THE HON. R. WELCH  
Provincial Secretary for Justice

3RD SESSION, 31ST LEGISLATURE, <sup>T</sup>ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend  
The Executive Council Act**

THE HON. R. WELCH  
Provincial Secretary for Justice



#### EXPLANATORY NOTES

SECTION 1. Annual salaries are increased as follows:

1. Minister with portfolio, from \$18,720 to \$19,656.
2. First Minister, in addition, from \$7,280 to \$7,644.
3. Minister without portfolio, from \$7,800 to \$8,190.
4. Parliamentary Assistant, from \$5,200 to \$5,460.

SECTION 2. The provision for the payment of the actual cost of accommodation for a minister of the Crown who resides outside Metropolitan Toronto is increased from \$6,240 to \$6,552.

BILL 140

1979

## An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2, 3 and 3a of section 3 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 1, are repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio is \$19,656. Salaries s. 3 (1, 2, 3, 3a), re-enacted

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$7,644 per annum. Additional salary for First Minister

(3) The annual salary of every minister without portfolio is \$8,190. Salary of minister without portfolio

(3a) The annual salary of every Parliamentary Assistant is \$5,460. Salary of Parliamentary Assistant

2. Subsection 1 of section 3a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 2, is repealed and the following substituted therefor:

(1) Every minister of the Crown with portfolio whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year. Cost of accommodation in Toronto

3. This Act shall be deemed to have come into force on the 1st day of April, 1979. Commencement

4. The short title of this Act is *The Executive Council Amendment Act, 1979*. Short title

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An Act to amend  
The Executive Council Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. WELCH  
Provincial Secretary for Justice

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*(Government Bill)*

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Publications

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Regulation*

**An Act to amend  
The Executive Council Act**

THE HON. R. WELCH  
Provincial Secretary for Justice



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<p>(1) The annual salary of every minister with portfolio is \$19,656.</p> <p>(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$7,644 per annum.</p> <p>(3) The annual salary of every minister without portfolio is \$8,190.</p> <p>(3a) The annual salary of every Parliamentary Assistant is \$5,460.</p>	<p>s. 3 (1, 2, 3, 3a), re-enacted</p> <p>Salaries</p> <p>Additional salary for First Minister</p> <p>Salary of minister without portfolio</p> <p>Salary of Parliamentary Assistant</p>
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2. Subsection 1 of section 3a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 2, is repealed and the following substituted therefor:
 

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Commence-  
ment

Short title

An Act to amend  
The Executive Council Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

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THE HON. R. WELCH  
Provincial Secretary for Justice

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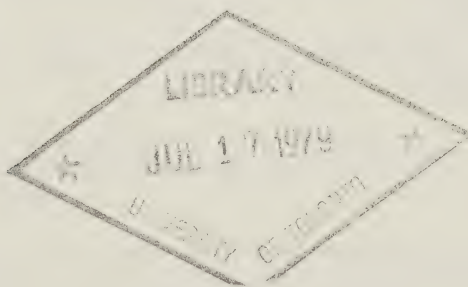
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Committee of the Whole House*

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11 **BILL 140**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Regulation of Money*

**An Act to amend  
The Executive Council Act**

THE HON. R. WELCH  
Provincial Secretary for Justice





BILL 140

1979

## An Act to amend The Executive Council Act

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2. Subsection 1 of section 3a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 2, is repealed and the following substituted therefor: s. 3a (1), re-enacted

(1) Every minister of the Crown whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year. Cost of accommodation in Toronto

3. This Act shall be deemed to have come into force on the 1st day of April, 1979. Commencement

4. The short title of this Act is *The Executive Council Amendment Act, 1979*. Short title

An Act to amend  
The Executive Council Act

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*1st Reading*

June 18th, 1979

*2nd Reading*

June 21st, 1979

*3rd Reading*

June 21st, 1979

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THE HON. R. WELCH  
Provincial Secretary for Justice

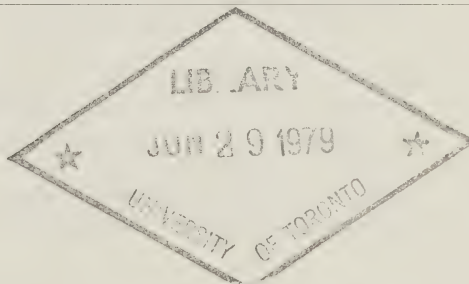
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3RD SESSION, 31ST LEGISLATURE OF ONTARIO  
28 ELIZABETH II, 1979

## An Act to regulate Driving Schools

THE HON. J. W. SNOW  
Minister of Transportation and Communications



#### EXPLANATORY NOTE

This Bill provides for the licensing of driving schools and driving school instructors. The office of Director of Driving Schools is being created. An applicant for a licence is entitled to be licensed unless he is disentitled for reasons set out in the Bill. An appeal procedure from decisions of the Director is provided.

The Bill prohibits the operation of a driving school without a licence unless it is in connection with a school board, community college, etc.

BILL 141

1979

## An Act to regulate Driving Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Board" means the Licence Suspension Appeal Board established under section 28 of *The Highway Traffic Act*; R.S.O. 1970.  
c. 202
- (b) "Director" means the Director of Driving Schools appointed by the Minister under section 2;
- (c) "driving instructor" means a person who, for compensation, provides in-vehicle instruction in the operation of a motor vehicle;
- (d) "driving instructor's licence" means a driving instructor's licence issued under this Act;
- (e) "driving school" means an establishment at which instruction in driving motor vehicles is provided for compensation, but does not include a community college, secondary school, vocational school or private school at which a driver education course is provided through a school board or other authority in charge of a school;
- (f) "driving school licence" means a driving school licence issued under this Act;
- (g) "Minister" means the Minister of Transportation and Communications;
- (h) "Ministry" means the Ministry of Transportation and Communications;
- (i) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act*;

(j) “regulations” means the regulations made under this Act.

Director

**2.** The Minister shall appoint an officer of the Ministry to be the Director of Driving Schools.

Driving  
school  
licence

**3.**—(1) No person shall establish, operate or maintain a driving school except under the authority of a driving school licence and the Director may issue such a licence.

Issuance  
of licence

(2) Subject to subsection 3, every person who applies in accordance with this Act and the regulations for a licence to establish, operate and maintain a driving school and who meets the requirements of this Act and the regulations and pays the prescribed fee is entitled to be issued a licence.

Grounds  
for refusal

(3) Subject to section 4, the Director may refuse to issue a driving school licence where, in his opinion,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the driving school will not be operated in accordance with the law and with honesty and integrity;
- (b) the proposed driving school or its operation would contravene this Act or the regulations, or any other Act or regulation, or any municipal by-law respecting its establishment or location;
- (c) the applicant is not competent to operate a driving school in accordance with this Act and the regulations;
- (d) the equipment and premises are not suitable for a driving school; or
- (e) it can reasonably be expected that the course or courses of study or the method of training offered by the driving school will not provide students of the school with the skill and knowledge requisite to enable them to be licensed as drivers under *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

Expiration  
of driving  
school  
licence

(4) A driving school licence expires with the 31st day of March in each year.

Renewal  
of licence

(5) Subject to subsection 6, a driving school licensee who applies for a renewal of his licence in accordance with this Act and the regulations and pays the prescribed fee is entitled to have his licence renewed.

(6) Subject to section 4, the Director may revoke or refuse to renew a driving school licence where, Revocation of licence

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or the regulations;
- (b) there is a breach of a condition of the licence;
- (c) the licensee is in contravention of this Act or the regulations;
- (d) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a driving school licence under clause a of subsection 3; or
- (e) the equipment, premises or course of study and method of training offered by the driving school are not maintained at a level suitable to provide students of the school with the skill and knowledge requisite to enable them to be licensed as drivers under *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

(7) A driving school licence is not transferable.

Not transferable

(8) It is a condition of a driving school licence that the operation of the school be under the charge and control of the licensee.

Operation by licensee

4.—(1) Where the Director proposes,

Proposal to refuse to issue or to revoke

- (a) to refuse to issue or renew a driving school licence; or
- (b) to revoke a driving school licence,

the Director shall serve notice of his proposal, together with written reasons therefor,

- (c) in the case of a proposal to refuse to issue a licence, upon the applicant; or
- (d) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee.

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the

Notice

Director and the Board requiring a hearing by the Board and he may so require such a hearing.

Powers of  
Director  
where no  
hearing

(3) Where the applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the notice under subsection 1.

Power of  
Board where  
hearing

(4) Where the applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations.

Extension  
of time for  
requiring  
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper in respect of the extension.

Continua-  
tion of  
licence  
pending  
renewal

(6) Notwithstanding subsection 4 of section 3 and subject to section 7, where a driving school licensee has applied to have his licence renewed before the expiry date and has paid the prescribed fee, the licence shall be deemed to continue,

(a) until the licence is renewed; or

(b) where the licensee is served with notice that the Director proposes to refuse to renew the licence, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Voluntary  
Cancellat-  
ion

(7) The Director may cancel a licence upon the request of the licensee and the surrender of the licence.

Parties

**5.—**(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 4.

Examination  
of  
documentary  
evidence

(2) Any party to proceedings under section 4 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

(3) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Members holding hearing not to have taken part in investigation, etc.

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Recording of evidence

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings of fact

1971, c. 47

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Only members at hearing to participate in decision

(7) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Release of documentary evidence

**6.—**(1) Any party to proceedings before the Board under section 4 may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Appeal to court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action that the Board may direct

Powers of court on appeal

him to take and that the court considers proper, and, for such purposes, the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Decision  
of Board  
effective

(5) Notwithstanding that an appeal under this section has been filed, a decision of the Board remains effective pending the appeal unless the Board or the Supreme Court otherwise directs.

Provisional  
suspension

**7.** Notwithstanding section 4, where in the Director's opinion it is necessary for the immediate protection of the interests of the students of a driving school, the Director may refuse renewal of or may suspend the licence of a driving school licensee, but notice that renewal of the licence has been refused or that the licence has been suspended shall be served on the licensee together with the Director's written reasons therefor, and thereafter subsections 2, 4 and 5 of section 4 and sections 5 and 6 apply as if the notice were a notice under subsection 1 of section 4.

Inspection

**8.—(1)** The Director, or any person authorized by him in writing, may inspect any driving school at any reasonable time to examine the facilities or operation thereof, to observe the method of instruction given therein or to inspect the books, records or other documents relating to the operation of the driving school including the inspection of any circulars, pamphlets or other material used for advertising the driving school.

Removal of  
documents

(2) The Director, or any person authorized by him under subsection 1, may upon giving a receipt therefor remove any material referred to in subsection 1 that is relevant to the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the driving school.

Obstruction  
of  
inspector

(3) No person shall obstruct an inspection of a driving school by the Director or any person authorized by him or withhold from such a person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection.

Certificate  
of appoint-  
ment or  
written  
authorization

(4) The Minister shall issue to the Director a certificate of his appointment and the Director or every person authorized to inspect a driving school, in the execution of his duties under this section, shall produce his certificate of appointment or written authorization, as the case may be, upon request.

Notice of  
material  
change

**9.** Where,

(a) there is a change in the address of a driving school; or

- (b) in the case of a driving school operated by a corporation or partnership, there is a change in the officers, directors or partners, as the case may be,

the operator of the school shall notify the Ministry of the change within five days after the change.

**10.—(1)** Every person who,

Offences

- (a) furnishes false information in an application for a driving school licence or in a statement or return required to be furnished under this Act or the regulations with respect to a driving school licence;
- (b) fails to comply with any order, direction or other requirement made under this Act with respect to a driving school licence; or
- (c) contravenes any provision of this Act or the regulations with respect to a driving school licence,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Corporations

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Limitation

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Idem

**11.—(1)** Any person who enters into a written contract with the operator of a driving school in respect of a course of instruction may rescind the contract by delivering a written notice of rescission personally or by registered mail to the driving school at the address shown in the contract within two days after the duplicate original copy of the contract first comes into the possession of the person, and the person is not liable for any damages in respect of such rescission.

Rescission of contract

(2) For purposes of subsection 1, delivery by registered mail is deemed to have been made at the time of mailing.

Registered mail

Rescission  
of contract

(3) Where a person rescinds a contract under subsection 1,

(a) the person shall immediately return all goods received under the contract; and

(b) the operator of the driving school shall return all money received or realized in respect of the contract,

except that, where the person rescinding the contract has received driving instruction under the contract, the operator of the driving school may retain the fees applicable for the instruction so given from the money required to be returned under clause *b*.

Driving  
instructor's  
licence

**12.—(1)** The Director shall issue a driving instructor's licence to any applicant or a renewal of a driving instructor's licence to any licensee who meets the requirements set out in the regulations.

Suspension  
or  
revocation

(2) The Director may suspend or revoke a driving instructor's licence where the licensee does not continue to satisfy the requirements set out in the regulations.

Refusal to  
issue or  
revocation

(3) Where the Director,

(a) refuses to issue or renew a driving instructor's licence; or

(b) suspends or revokes a driving instructor's licence,

the Director shall serve notice of his decision, together with written reasons therefor, upon the applicant or the licensee, as the case may be.

Appeal to  
Board

(4) Every person aggrieved by a decision of the Director under subsection 3 may, within thirty days after the notice referred to therein is served upon him, appeal the Director's decision to the Board.

Decision  
of Board

(5) The Board may confirm, alter or set aside the decision of the Director.

Extension  
of time  
for appeal  
to Board

(6) The Board may extend the time for filing an appeal under subsection 4 either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper in respect of the extension.

Proceedings  
before  
Board

(7) Section 5 applies to proceedings before the Board on an appeal under subsection 4 as if the appeal to the Board were a request for a hearing under section 4.

(8) Any party to proceedings before the Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and thereafter section 6 applies.

Appeal to  
Supreme  
Court

**13.**—(1) In this section, “employed” includes any business relationship between the operator of a driving school and a driving instructor whether on a salary, hourly wage, commission, independent contract or other basis.

Interpre-  
tation

(2) No person shall act as a driving instructor unless the person holds a driving instructor’s licence and,

Driving  
instructor  
to be  
licensed

(a) holds a driving school licence;

(b) is employed by a driving school licensed in accordance with this Act; or

(c) is employed by a school board or other authority in charge of a school to instruct in a driver education course being offered in a community college, secondary school, vocational school or private school.

(3) No driving school operator shall employ as a driving instructor any person who is not licensed as a driving instructor under this Act.

Employment  
of driving  
instructor

(4) A driving instructor’s licence issued under *The Highway Traffic Act* shall be deemed to be a driving instructor’s licence issued under this Act and the provisions of this Act and the regulations apply to such licence or any renewal thereof.

Licence  
issued  
under  
R.S.O. 1970.  
c. 202

(5) A renewal of a driving instructor’s licence issued under *The Highway Traffic Act* may be cancelled by the Director at any time three years after this Act comes into force unless the licensee provides the Director with satisfactory evidence that the licensee,

Idem

(a) has been actively engaged as a licensed driving instructor for at least six months in each of five one-year periods preceding the day this Act comes into force; or

(b) has successfully completed a course for driving instructors approved by the Ministry.

**14.** Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through

Service of  
notice

absence, accident, illness, or other cause beyond his control, receive the notice until a later date.

Certificate  
as evidence

**15.—**(1) A statement as to,

- (a) the licensing or non-licensing of any person under this Act;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Director;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of  
signature

(2) Any document under this Act purporting to be signed by the Registrar, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Registrar without proof of the office or signature of the Registrar.

Regulations

**16.** The Lieutenant Governor in Council may make regulations,

- (a) governing applications for or renewals of driving school licences;
- (b) prescribing standards for office space and location, classroom space and classroom equipment with respect to driving schools;
- (c) governing the conduct, operation and management of driving schools;
- (d) prescribing the qualifications of students seeking driving instruction and prohibiting the instruction of unqualified students;
- (e) prohibiting the use of any advertising relating to a driving school;
- (f) prohibiting the solicitation of business by driving school operators in prescribed buildings;

- (g) respecting the distribution of materials published by the Government and used by students of a driving school;
- (h) respecting the content for any course in driving instruction offered by a driving school;
- (i) requiring operators of driving schools to make returns and furnish information to the Ministry;
- (j) requiring and governing the books, accounts and records that shall be kept by operators of driving schools;
- (k) respecting the filing and posting of all fees charged by a driving school;
- (l) requiring the inspection of all vehicles used in connection with a driving school for driving instruction and requiring the use of any equipment on or in any such vehicles;
- (m) prescribing minimum insurance to be maintained on vehicles used in connection with a driving school for driving instruction;
- (n) prescribing classes of driving schools and of driving instructors and exempting any class or classes thereof from this Act or the regulations or any provision thereof;
- (o) prescribing fees on application for or renewal of any driving school licence or driving instructor's licence;
- (p) prescribing terms and conditions attaching to a driving school licence or a driving instructor's licence;
- (q) regulating and governing the licensing of driving instructors;
- (r) prescribing the material to be supplied with an application for a driving instructor's licence;
- (s) providing for classes of driving instructors' licences and prescribing the duration of each class of licence;
- (t) requiring the verification by affidavit of any information required to be furnished under this Act or the regulations;
- (u) prescribing procedures respecting the conduct of matters coming before the Board;
- (v) respecting the provision and use of forms.

R.S.O. 1970,  
c. 202, s. 34,  
repealed

**17.**—(1) Section 34 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,  
c. 284, s. 383,  
par. 4,  
repealed

(2) Paragraph 4 of section 383 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-  
ment

**18.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**19.** The short title of this Act is *The Driving Schools Act*, 1979.



An Act to regulate  
Driving Schools

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*1st Reading*

June 19, 1979

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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BILL 142

Government  
Publications  
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend The Residential Premises Rent Review  
Act, 1975 (2nd Session)

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTE

The Bill postpones the repeal of the Act for two months, from the 30th day of September, 1979, to the 30th day of November, 1979. The continuation of the Act for certain specified purposes is correspondingly extended.

BILL 142

1979

**An Act to amend  
The Residential Premises Rent Review  
Act, 1975 (2nd Session)**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, 1978, chapter 80, section 1 and 1979, chapter 3, section 1, is repealed and the following substituted therefor: s. 20,  
re-enacted

20.—(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of November, 1979. Commence-  
ment and  
expiry

(2) Notwithstanding subsection 1,

Idem

- (a) where there has been an increase in rent for residential premises charged to take effect after the 30th day of November, 1978, and on or before the 30th day of November, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and
- (b) this Act continues in force for the purpose of,
  - (i) hearing and making orders in respect of applications filed on or before the 30th day of November, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1979*.







An Act to amend  
The Residential Premises Rent  
Review Act, 1975 (2nd Session)

---

*1st Reading*

June 21st, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

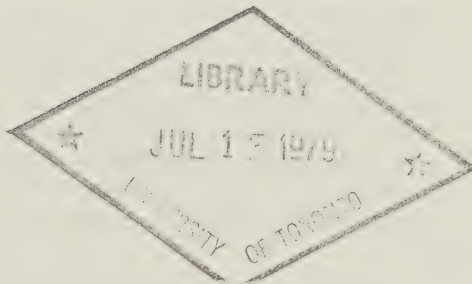
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BILL 142

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Residential Premises Rent Review  
Act, 1975 (2nd Session)

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 142

1979

**An Act to amend  
The Residential Premises Rent Review  
Act, 1975 (2nd Session)**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, 1978, chapter 80, section 1 and 1979, chapter 3, section 1, is repealed and the following substituted therefor: s. 20,  
re-enacted

20.—(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of November, 1979. Commence-  
ment and  
expiry

- (2) Notwithstanding subsection 1,

Idem

- (a) where there has been an increase in rent for residential premises charged to take effect after the 30th day of November, 1978, and on or before the 30th day of November, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and
- (b) this Act continues in force for the purpose of,
- (i) hearing and making orders in respect of applications filed on or before the 30th day of November, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1979*.







An Act to amend  
The Residential Premises Rent  
Review Act, 1975 (2nd Session)

*1st Reading*

June 21st, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

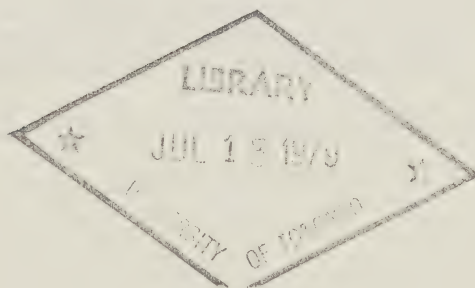
THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

## An Act to amend The Election Act

MR. JOHNSTON  
(Scarborough West)



#### EXPLANATORY NOTE

The purpose of the Bill is to standardize the hours of polling for elections to the Legislative Assembly of Ontario. Section 1 of the Bill amends *The Election Act* to ensure that the general hours of polling extend between 9 a.m. and 8 p.m. of the same day. When daylight saving time is in effect at the time the election is held, the Bill requires that any time reference in *The Election Act* be interpreted as referring to daylight saving time. *The Time Act* (R.S.O. 1970, c. 462) states that, unless the contrary is provided in an Act, any time reference in an Ontario statute is a reference to standard time.

## An Act to amend The Election Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 71 of *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 71,  
re-enacted

71.—(1) Subject to subsection 2, the polls at every election to the Assembly shall open at 9 a.m. and remain open until 8 p.m. of the same day. Hours of  
polling  
generally

(2) Where the Chief Election Officer considers it desirable for the convenience of the voters that the polls should be opened in any electoral district at an earlier hour than 9 a.m., the Chief Election Officer may direct the polls to be opened in such electoral district at such time earlier than 9 a.m., but not earlier than 7 a.m., as he considers expedient. When  
C.E.O. may  
provide for  
earlier  
opening

71a. For the purpose of any proceeding that is governed by a time expressed in this Act, where the time commonly observed in the municipality or locality when the proceeding occurs is daylight saving time, the time expressed in this Act shall be reckoned in accordance with daylight saving time and not standard time. Reference  
to time

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Election Amendment Act, 1979*. Short title

An Act to amend  
The Election Act

---

*1st Reading*

June 21st, 1979

*2nd Reading*

*3rd Reading*

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MR. JOHNSTON  
(Scarborough West)

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*(Private Member's Bill)*

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Publication

**BILL 144**

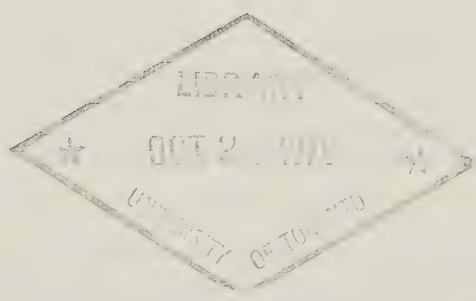
**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislation History*

**An Act to amend The Corporations Act**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



## EXPLANATORY NOTE

The Act currently sets out in section 169 (13) the powers of a mutual fire insurance corporation and limits the powers to those set out. One effect of the Bill is to remove the limitations on powers so that these corporations have the powers for which a joint stock insurance company may be licensed under *The Insurance Act*.

At present, a reinsurance corporation for mutual fire insurance corporations, that was incorporated under section 168 (3), may reinsure contracts of insurance entered into by its members and may enter into contracts of reinsurance only with insurers licensed under *The Insurance Act*. These restrictions are being removed.

The requirement that the word “fire” be part of the name and style of a mutual fire insurance corporation is being removed.

BILL 144

1979

## An Act to amend The Corporations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 168 of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 1, is repealed and the following substituted therefor:
 

s. 168 (3),  
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance and such a corporation may enter into contracts of reinsurance for the purpose of retroceding all or part of reinsurance contracts entered into by it.

Corporation for  
reinsurance

- 2.—(1) Subsection 7 of section 169 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:
 

s. 169 (7),  
re-enacted

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the word “mutual”, shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and generally accessible place in the county or district at which the head office of the company is to be located.

Election of  
directors

- (2) Subsection 13 of the said section 169, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2 and 1978, chapter 29, section 2, is repealed.
 

s. 169 (13),  
repealed
- (3) Subsection 14 of the said section 169, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:
 

s. 169 (14),  
re-enacted

Powers  
deemed in  
letters patent

R.S.O. 1970,  
c. 224

(14) A mutual insurance corporation incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan or under a contract to which the Fire Mutual Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*, has the power, and its letters patent shall be deemed to include the power, to undertake all classes of insurance for which a joint stock insurance company may be licensed under *The Insurance Act*.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Corporations Amendment Act, 1979*.







An Act to amend  
The Corporations Act

---

*1st Reading*

October 16th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

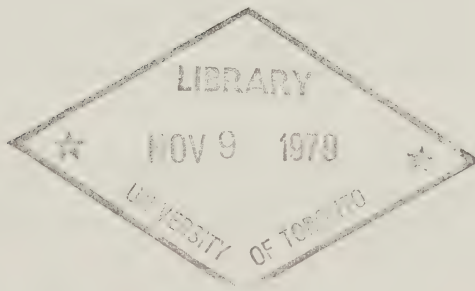
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**BILL 144**

3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
28 ELIZABETH II, 1979 *Legislation - Bill 144*

**An Act to amend The Corporations Act**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 144

1979

## An Act to amend The Corporations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 168 of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 1, is repealed and the following substituted therefor:
 

s. 168 (3),  
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance and such a corporation may enter into contracts of reinsurance for the purpose of retroceding all or part of reinsurance contracts entered into by it.
 

Corporation for  
reinsurance

- 2.—(1) Subsection 7 of section 169 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:
 

s. 169 (7),  
re-enacted

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the word “mutual”, shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and generally accessible place in the county or district at which the head office of the company is to be located.
 

Election of  
directors

- (2) Subsection 13 of the said section 169, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2 and 1978, chapter 29, section 2, is repealed.
 

s. 169 (13),  
repealed

- (3) Subsection 14 of the said section 169, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:
 

s. 169 (14),  
re-enacted

Powers  
deemed in  
letters patent

R.S.O. 1970,  
c. 224

(14) A mutual insurance corporation incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan or under a contract to which the Fire Mutual Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*, has the power, and its letters patent shall be deemed to include the power, to undertake all classes of insurance for which a joint stock insurance company may be licensed under *The Insurance Act*.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Corporations Amendment Act, 1979*.







An Act to amend  
The Corporations Act

---

*1st Reading*

October 16th, 1979

*2nd Reading*

October 23rd, 1979

*3rd Reading*

October 23rd, 1979

---

THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to provide for Fiscal Planning in  
the Government of Ontario

MR. VAN HORNE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to require that a five-year Fiscal Plan be submitted by the Treasurer of Ontario to the Legislative Assembly when the Budget is presented each year. The Bill provides for the establishment of a committee of the Assembly, to be known as the Standing Committee on Government Finance and the Economy, to study and make recommendations concerning the Fiscal Plan.

BILL 145

1979

## An Act to provide for Fiscal Planning in the Government of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Committee" means the Standing Committee on Government Finance and the Economy;

(b) "Treasurer" means the Treasurer of Ontario.

2. The Treasurer shall, when presenting the Budget of the Government of Ontario to the Assembly, submit a five-year Fiscal Plan that provides estimates of revenues, sets expenditure ceilings and indicates the expected budgetary surplus or deficit over a five year-period.

Fiscal  
Plan

3.—(1) At the commencement of each session of the Legislature, a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Government Finance and the Economy, with authority to sit during the session.

Establish-  
ment of  
Committee

(2) Each Fiscal Plan shall be referred to the Committee for the purposes of giving consideration to the Plan and making recommendations in respect of it to the Assembly.

Duty of  
Committee

(3) The Committee shall, from time to time, report to the Assembly its observations, opinions and recommendations concerning the Fiscal Plan.

Report

4. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

5. The short title of this Act is *The Fiscal Plan Act, 1979*.

Short title

An Act to provide for Fiscal  
Planning in the Government of  
Ontario

---

*1st Reading*

October 16th, 1979

*2nd Reading*

*3rd Reading*

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MR. VAN HORNE

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*(Private Member's Bill)*

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Government  
Publications

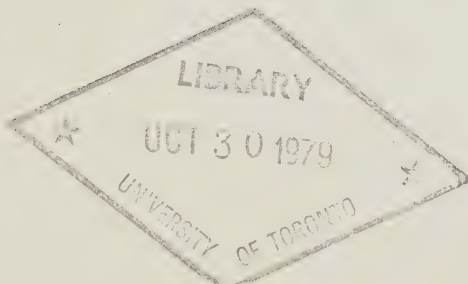
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BILL 146

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Municipal Franchises Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



#### EXPLANATORY NOTE

Subsection 5 of section 10 of the Act, as proposed to be re-enacted, is set out below showing underlined the words that have been added:

- (5) *An order of the Board heretofore or hereafter made under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned assented to by the municipal electors for the purposes of this Act and of section 58 of The Public Utilities Act.*

The purpose of the amendment is to clarify that an Ontario Energy Board order renewing or extending the term of a right to operate works for the distribution or supply of gas in a municipality is deemed to be a valid by-law of the municipality assented to by the electors for the purposes of *The Municipal Franchises Act*.

BILL 146

1979

## An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 

s. 10 (5).  
re-enacted

(5) An order of the Board heretofore or hereafter made under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned assented to by the municipal electors for the purposes of this Act and of section 58 of *The Public Utilities Act*.
 

Order deemed  
by-law  
assented to  
by electors  
  
R.S.O. 1970,  
c. 390, s. 58

2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. The short title of this Act is *The Municipal Franchises Amendment Act, 1979*.
 

Short title

An Act to amend  
The Municipal Franchises Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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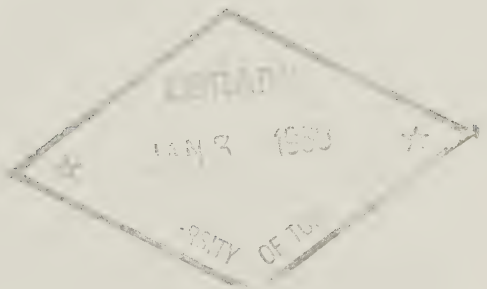
*(Government Bill)*

B56  
BILL 146

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Municipal Franchises Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 146

1979

## An Act to amend The Municipal Franchises Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Franchises Act*, being s. 10 (5),  
re-enacted chapter 289 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(5) An order of the Board heretofore or hereafter made under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned assented to by the municipal electors for the purposes of this Act and of section 58 of *The Public Utilities Act*. Order deemed  
by-law  
assented to  
by electors  
R.S.O. 1970,  
c. 390, s. 58

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Municipal Franchises Amendment Act, 1979*. Short title

An Act to amend  
The Municipal Franchises Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

November 29th, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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**BILL 147**

**Government Bill**

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

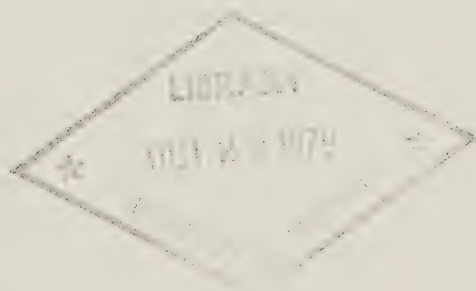
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**An Act to amend  
The Local Improvement Act**

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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#### EXPLANATORY NOTE

The Bill clarifies that a majority of the members of a court of revision shall constitute a quorum and that a quorum is sufficient to exercise all the powers and duties of the court of revision. Courts of revision in the past several years have relied on clause *c* of section 27 of *The Interpretation Act* which provides that “where an act or thing is required to be done by more than two persons, a majority of them may do it”. A recent decision of the Divisional Court has indicated that clause *c* of section 27 of *The Interpretation Act* may not apply to a court of revision.

BILL 147

1979

## An Act to amend The Local Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections: s. 43,  
amended

(3) A majority of the members of the court of revision shall constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum. Quorum

(4) A quorum of the court of revision is sufficient and, notwithstanding the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision. Jurisdiction  
and powers of  
quorum

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Local Improvement Amendment Act, 1979*. Short title

An Act to amend  
The Local Improvement Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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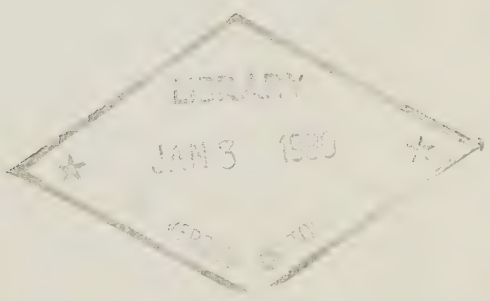
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend  
The Local Improvement Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 147

1979

## An Act to amend The Local Improvement Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(3) A majority of the members of the court of revision shall constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum.

(4) A quorum of the court of revision is sufficient and, notwithstanding the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Local Improvement Amendment Act, 1979*.

An Act to amend  
The Local Improvement Act

---

*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

November 29th, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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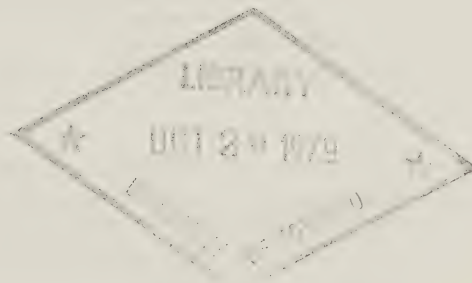
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3RD SESSION, 31ST LEGISLATURE, <sup>7</sup>ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to revise  
The Certification of Titles Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



## EXPLANATORY NOTE

*The Certification of Titles Act* is being revised to change administrative procedures without altering the basic concept of certification of titles. The principal changes include the following:

1. The references to a Director of Land Registration are being removed; at present, the Director of Land Registration, upon the recommendation of the Director of Titles, determines the amount of compensation to be paid to a claimant out of The Certification of Titles Assurance Fund but in the revision, the Director of Titles will make this determination and eliminate one step in the payout procedure.
2. A list of the material to be submitted with an application for a certificate of title has been removed from the Act and will appear in the regulations.
3. An appeal from a decision of the Director of Titles will be to a court as a new hearing rather than based on the transcript of the hearing before the Director.
4. The provision with respect to payment of costs has been expanded and clarified. (section 8).
5. Reference to certification areas has been removed as these may be prescribed by regulation under *The Registry Act*. At present there are no certification areas in Ontario.
6. The maximum and minimum amounts payable to the assurance fund by applicants has been changed with the maximum being \$500 instead of \$300 and the minimum being \$25 instead of \$1. The rate of contribution remains as one-tenth of 1 per cent of the value of the land including buildings.

BILL 148

1979

## An Act to revise The Certification of Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "assurance fund" means The Certification of Titles Assurance Fund;

(b) "Director" means the Director of Titles appointed under *The Land Titles Act*;

R.S.O. 1970,  
c. 234

(c) "land registrar" means a land registrar appointed under *The Registry Act*;

R.S.O. 1970  
c. 409

(d) "prescribed" means prescribed by the regulations.  
R.S.O. 1970, c. 59, s. 1, *amended*.

**2.** The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. 1972, c. 1, s. 32. Administration

**3.** This Act does not apply to land registered under *The Land Titles Act*. R.S.O. 1970, c. 59, s. 6.

Where Act  
not to apply  
R.S.O. 1970,  
c. 234

**4.—(1)** An owner of or any person claiming an estate in fee simple in land, whether or not the land is encumbered, may apply in the prescribed manner to the Director to have the title to the land certified in the name of the applicant. R.S.O. 1970, c. 59, s. 7 (1), *amended*. Application  
for  
certification

**(2)** A person whose claim to land is based on length of adverse possession may apply to the Director to have the title to the land certified in the name of the applicant. Idem

Application  
deemed action  
for recovery  
of land  
R.S.O. 1970,  
c. 246  
Service  
of notice

(3) An application under subsection 1 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*. *New*.

R.S.O. 1970,  
cc. 234, 409

**5.**—(1) A notice of an application under section 4 shall be served on every person or person of a class designated by regulation and the notice is sufficiently served if it is sent by registered mail addressed to that person at the address furnished under section 185 of *The Land Titles Act* or section 37 of *The Registry Act*, or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest. R.S.O. 1970, c. 59, s. 8 (1, 2), *amended*.

Where  
consent

(2) Where a person to whom notice is required to be given under subsection 1 consents, in writing, to the application, no notice is required to be sent to that person. *New*.

Adverse  
claim

**6.**—(1) A person having a claim adverse to or inconsistent with an application under section 4 may file a statement of claim, verified by affidavit, with the Director at any time before the certificate of title is registered. R.S.O. 1970, c. 59, s. 11 (1), *amended*.

Hearing

(2) Where a statement of claim is filed, the Director shall afford an opportunity for a hearing to determine the validity of the claim.

Parties

(3) The applicant, every person who has filed a statement of claim and such other persons as the Director may specify, are parties to the proceedings in which a hearing is held under this section. 1971, c. 50, s. 14 (1, 2), *amended*.

Reference  
to a judge

(4) The Director, instead of holding a hearing under subsection 2, may refer the matter to a judge of the county or district court of the county or judicial district in which the land is situate, or of such other county or judicial district as the parties agree to, who shall hear and determine the claim on the evidence before him or may direct the trial of an issue. 1971, c. 50, s. 14 (4), *amended*.

Copies to  
be sent to  
interested  
parties

**7.**—(1) Where the Director makes a decision, a copy of the decision shall be sent by first class mail or delivered by the Director to the applicant and to every person who has filed a statement of claim under section 6. R.S.O. 1970, c. 59, s. 12 (2), *amended*.

Appeal

(2) Any party aggrieved by a decision of the Director may appeal to a judge of the county or district court of the county or

judicial district in which the land to which the decision relates is situate, or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*. 1971, c. 50, s. 14 (5), *amended*.

(3) An appeal lies from a decision of a judge of a county or district court under subsection 2 to the Supreme Court. *New*. Appeal to Divisional Court

(4) Notice of any appeal under this section shall be served on the Director. R.S.O. 1970, c. 59, s. 12 (4), *part*. Notice of appeal

**8.**—(1) An applicant under this Act is liable *prima facie* to pay all costs, charges and expenses incurred as a result of his application, except where parties whose rights are sufficiently secured without their appearance object or where any costs, charges or expenses are incurred unnecessarily or improperly. Payment of costs

(2) The Director may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person who is party to a proceeding under this Act, and may give directions as to the fund out of which the costs shall be paid, regard being had to subsection 1. Scale of costs

(3) Any person aggrieved by an order of the Director made under this section may appeal to a judge of a county or district court who may annul or, with or without modification, confirm the order. Appeal from Director's order

(4) If a person disobeys an order of the Director made under this section, the Director may certify the disobedience to a judge of a county or district court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the judge. Enforcement of order

(5) The amount of all costs, charges and expenses properly incurred by a trustee, mortgagee or other person having a power of selling land that are incidental to an application for a certificate of title shall be ascertained and declared by the Director, and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof. *New*. Cost of application by trustee, etc.

Disposition  
of  
application

**9.** When the Director has completed his examination and any matter referred to a judge is finally disposed of, or where a hearing has been held and the Director has made his decision and any appeal therefrom has been disposed of, or where the time for appeal has elapsed and no appeal has been taken, the Director may issue a certificate of title to all or part of the land or dismiss the application, as the case may be. R.S.O. 1970, c. 59, s. 12 (1, 4), *part*.

Registration  
of  
certificate

**10.** A certificate of title shall be registered by the Director in the land registry office for the registry division in which the land is situate. R.S.O. 1970, c. 59, s. 15, *amended*.

Effects of  
certificate  
of title

**11.** Upon registration under section 10, a certificate of title is conclusive as of the day, hour and minute stated therein that the title of the person named as owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act that ought to have been made, given or done, has been made, given or done in accordance with this Act. R.S.O. 1970, c. 59, s. 16.

Certification  
of Titles  
Assurance  
Fund  
continued

**12.—(1)** The fund, known as The Certification of Titles Assurance Fund, formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act, is continued.

Payment  
into fund

(2) Before a certificate of title is registered, the applicant shall pay, to the credit of the assurance fund, in addition to all other fees, an amount of money equal to one-tenth of 1 per cent of the value of the land described in the certificate.

Buildings

(3) Where there are buildings on the land, the value of the land shall include the value of the buildings.

Maximum  
payment

(4) Where the amount calculated under subsection 2 exceeds \$500, the amount payable is \$500.

Minimum  
payment

(5) Where the amount calculated under subsection 2 is less than \$25, the amount payable is \$25.

Valuation  
of land

(6) The value of the land shall be ascertained as of,

(a) the date of application; or

(b) a date not more than sixty days before the registration of the certificate,

whichever is later.

(7) If the Director is not satisfied as to the value as established by the affidavit of the applicant, the Director may require a written appraisal of the land by a qualified appraiser whose account shall be added to the costs of the application.

Proof of  
value

(8) The Director may require an applicant to indemnify the assurance fund against loss by a bond or covenant in the prescribed form, either with or without sureties or by such other security as he considers proper.

Applicant  
may be  
required to  
indemnify fund

(9) The money payable under this section shall be paid into the Supreme Court and money standing to the credit of the fund shall be invested from time to time under the direction of the finance committee under section 109 of *The Judicature Act*, and such of the interest and income therefrom, as the finance committee from time to time determines, shall be credited to the assurance fund. R.S.O. 1970, c. 59, s. 18, *amended*.

Money  
to be paid  
into court

R.S.O. 1970.  
c. 228

**13.**—(1) Where, as a result of section 11, a person is wrongfully deprived of any interest in land, he is entitled to recover what is just by way of compensation out of the assurance fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased. R.S.O. 1970, c. 59, s. 19 (1), *amended*.

Claim  
against  
fund

(2) A person is not entitled to compensation from the assurance fund in respect of an interest in land existing before the effective date of the certificate of title unless that interest is registered under *The Registry Act* against the title to the land or notice of it is given to the Director before the certificate is registered. *New*.

Where no  
compensation

R.S.O. 1970.  
c. 409

(3) Where a claim is made under subsection 1 in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land, including buildings thereon, shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown. R.S.O. 1970, c. 59, s. 19 (2).

Mining  
lands

Application  
for payment

(4) A person claiming to be entitled to payment of compensation out of the assurance fund shall apply to the Director. R.S.O. 1970, c. 59, s. 19 (3), *amended*.

Hearing

(5) Except where he determines that the claim be paid in full, the Director shall hold a hearing and the claimant and such other persons as the Director may specify are parties to the proceedings before him. 1973, c. 12, s. 12 (1), *amended*.

Determination  
of payment

(6) The liability of the assurance fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court, be determined by the Director, and the costs of the proceedings under this section shall be in the discretion of the Director or the judge, as the case may be.

Appeal

(7) The Director shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Time for  
appeal

(8) Where the Director determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director notice of his intention to appeal, and the Director shall not certify under subsection 9 the amount to the Accountant of the Supreme Court if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
fund

(9) Subject to subsection 8, the Director shall certify to the Accountant of the Supreme Court any amount found to be payable under this section and, upon receipt of the certification of the Director, the Accountant of the Supreme Court shall pay the amount to the person entitled thereto.

Liability  
for fraud  
and error

(10) Any sum paid out of the assurance fund may, for the benefit of the assurance fund, be recovered by action in the name of the Director from the person on whose application the erroneous certificate of title was registered, or from his estate, and the Director's certification of the payment out of the assurance fund is sufficient proof of the debt. R.S.O. 1970, c. 59, s. 19 (4-8), *amended*.

Where  
death or  
change of  
interest  
occurs

**14.** Proceedings under this Act shall not abate or be suspended by any death or change of interest, but in any such event the Director may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings or otherwise as he considers proper. R.S.O. 1970, c. 59, s. 20.

Regulations

**15.** The Lieutenant Governor in Council may make regulations,

- (a) designating persons or classes of persons to whom notice of an application under section 4 shall be given and specifying the manner in which notice may be given;
- (b) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) prescribing forms and providing for their use;
- (d) prescribing the manner of making an application for certification of title and the material to be submitted with the application;
- (e) governing standards and procedures for surveys and plans made for the purposes of this Act;
- (f) prescribing administrative procedures for the purposes of this Act;
- (g) prescribing the procedures to be followed by land registrars with respect to matters under this Act;
- (h) governing the correction of errors in certificates of title. R.S.O. 1970, c. 59, s. 21.

**16.** The following are repealed:

Repeals

- 1. *The Certification of Titles Act*, being chapter 59 of the Revised Statutes of Ontario, 1970.
- 2. *The Certification of Titles Amendment Act, 1973*, being chapter 12.
- 3. Section 14 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
- 4. Section 32 of *The Government Reorganization Act, 1972*, being chapter 1.

**17.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**18.** The short title of this Act is *The Certification of Titles Act, 1979*. Short title





# BILL 148

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An Act to revise  
The Certification of Titles Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to revise  
The Certification of Titles Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





BILL 148

1979

## An Act to revise The Certification of Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) “assurance fund” means The Certification of Titles Assurance Fund;

(b) “Director” means the Director of Titles appointed under *The Land Titles Act*;

R.S.O. 1970,  
c. 234

(c) “land registrar” means a land registrar appointed under *The Registry Act*;

R.S.O. 1970  
c. 409

(d) “prescribed” means prescribed by the regulations.  
R.S.O. 1970, c. 59, s. 1, *amended*.

**2.** The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. 1972, c. 1, s. 32. Administration

**3.** This Act does not apply to land registered under *The Land Titles Act*. R.S.O. 1970, c. 59, s. 6.

Where Act  
not to apply  
R.S.O. 1970,  
c. 234

**4.—(1)** An owner of or any person claiming an estate in fee simple in land, whether or not the land is encumbered, may apply in the prescribed manner to the Director to have the title to the land certified in the name of the applicant. R.S.O. 1970, c. 59, s. 7 (1), *amended*. Application  
for  
certification

**(2)** A person whose claim to land is based on length of adverse possession may apply to the Director to have the title to the land certified in the name of the applicant. Idem

Application  
deemed action  
for recovery  
of land  
R.S.O. 1970,  
c. 246

(3) An application under subsection 1 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*. *New*.

Service  
of notice

**5.**—(1) A notice of an application under section 4 shall be served on every person or person of a class designated by regulation and the notice is sufficiently served if it is sent by registered mail addressed to that person at the address furnished under section 185 of *The Land Titles Act* or section 37 of *The Registry Act*, or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest. R.S.O. 1970, c. 59, s. 8 (1, 2), *amended*.

R.S.O. 1970,  
cc. 234, 409

Where  
consent

(2) Where a person to whom notice is required to be given under subsection 1 consents, in writing, to the application, no notice is required to be sent to that person. *New*.

Adverse  
claim

**6.**—(1) A person having a claim adverse to or inconsistent with an application under section 4 may file a statement of claim, verified by affidavit, with the Director at any time before the certificate of title is registered. R.S.O. 1970, c. 59, s. 11 (1), *amended*.

Hearing

(2) Where a statement of claim is filed, the Director shall afford an opportunity for a hearing to determine the validity of the claim.

Parties

(3) The applicant, every person who has filed a statement of claim and such other persons as the Director may specify, are parties to the proceedings in which a hearing is held under this section. 1971, c. 50, s. 14 (1, 2), *amended*.

Reference  
to a judge

(4) The Director, instead of holding a hearing under subsection 2, may refer the matter to a judge of the county or district court of the county or judicial district in which the land is situate, or of such other county or judicial district as the parties agree to, who shall hear and determine the claim on the evidence before him or may direct the trial of an issue. 1971, c. 50, s. 14 (4), *amended*.

Copies to  
be sent to  
interested  
parties

**7.**—(1) Where the Director makes a decision, a copy of the decision shall be sent by first class mail or delivered by the Director to the applicant and to every person who has filed a statement of claim under section 6. R.S.O. 1970, c. 59, s. 12 (2), *amended*.

Appeal

(2) Any party aggrieved by a decision of the Director may appeal to a judge of the county or district court of the county or

judicial district in which the land to which the decision relates is situate, or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*. 1971, c. 50, s. 14 (5), *amended*.

(3) An appeal lies from a decision of a judge of a county or district court under subsection 2 to the Supreme Court. *New*. Appeal to Divisional Court

(4) Notice of any appeal under this section shall be served on the Director. R.S.O. 1970, c. 59, s. 12 (4), *part*. Notice of appeal

**8.—**(1) An applicant under this Act is liable *prima facie* to pay all costs, charges and expenses incurred as a result of his application, except where parties whose rights are sufficiently secured without their appearance object or where any costs, charges or expenses are incurred unnecessarily or improperly. Payment of costs

(2) The Director may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person who is party to a proceeding under this Act, and may give directions as to the fund out of which the costs shall be paid, regard being had to subsection 1. Scale of costs

(3) Any person aggrieved by an order of the Director made under this section may appeal to a judge of a county or district court who may annul or, with or without modification, confirm the order. Appeal from Director's order

(4) If a person disobeys an order of the Director made under this section, the Director may certify the disobedience to a judge of a county or district court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the judge. Enforcement of order

(5) The amount of all costs, charges and expenses properly incurred by a trustee, mortgagee or other person having a power of selling land that are incidental to an application for a certificate of title shall be ascertained and declared by the Director, and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof. *New*. Cost of application by trustee, etc.

Disposition  
of  
application

**9.** When the Director has completed his examination and any matter referred to a judge is finally disposed of, or where a hearing has been held and the Director has made his decision and any appeal therefrom has been disposed of, or where the time for appeal has elapsed and no appeal has been taken, the Director may issue a certificate of title to all or part of the land or dismiss the application, as the case may be. R.S.O. 1970, c. 59, s. 12 (1, 4), *part*.

Registration  
of  
certificate

**10.** A certificate of title shall be registered by the Director in the land registry office for the registry division in which the land is situate. R.S.O. 1970, c. 59, s. 15, *amended*.

Effects of  
certificate  
of title

**11.** Upon registration under section 10, a certificate of title is conclusive as of the day, hour and minute stated therein that the title of the person named as owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act that ought to have been made, given or done, has been made, given or done in accordance with this Act. R.S.O. 1970, c. 59, s. 16.

Certification  
of Titles  
Assurance  
Fund  
continued

**12.—(1)** The fund, known as The Certification of Titles Assurance Fund, formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act, is continued.

Payment  
into fund

(2) Before a certificate of title is registered, the applicant shall pay, to the credit of the assurance fund, in addition to all other fees, an amount of money equal to one-tenth of 1 per cent of the value of the land described in the certificate.

Buildings

(3) Where there are buildings on the land, the value of the land shall include the value of the buildings.

Maximum  
payment

(4) Where the amount calculated under subsection 2 exceeds \$500, the amount payable is \$500.

Minimum  
payment

(5) Where the amount calculated under subsection 2 is less than \$25, the amount payable is \$25.

Valuation  
of land

(6) The value of the land shall be ascertained as of,

(a) the date of application; or

- (b) a date not more than sixty days before the registration of the certificate,

whichever is later.

(7) If the Director is not satisfied as to the value as established by the affidavit of the applicant, the Director may require a written appraisal of the land by a qualified appraiser whose account shall be added to the costs of the application.

Proof of  
value

(8) The Director may require an applicant to indemnify the assurance fund against loss by a bond or covenant in the prescribed form, either with or without sureties or by such other security as he considers proper.

Applicant  
may be  
required to  
indemnify fund

(9) The money payable under this section shall be paid into the Supreme Court and money standing to the credit of the fund shall be invested from time to time under the direction of the finance committee under section 109 of *The Judicature Act*, and such of the interest and income therefrom, as the finance committee from time to time determines, shall be credited to the assurance fund. R.S.O. 1970, c. 59, s. 18, *amended*.

Money  
to be paid  
into court

R.S.O. 1970,  
c. 228

**13.**—(1) Where, as a result of section 11, a person is wrongfully deprived of any interest in land, he is entitled to recover what is just by way of compensation out of the assurance fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased. R.S.O. 1970, c. 59, s. 19 (1), *amended*.

Claim  
against  
fund

(2) A person is not entitled to compensation from the assurance fund in respect of an interest in land existing before the effective date of the certificate of title unless that interest is registered under *The Registry Act* against the title to the land or notice of it is given to the Director before the certificate is registered. *New*.

Where no  
compensation

R.S.O. 1970,  
c. 409

(3) Where a claim is made under subsection 1 in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land, including buildings thereon, shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown. R.S.O. 1970, c. 59, s. 19 (2).

Mining  
lands

Application for payment	(4) A person claiming to be entitled to payment of compensation out of the assurance fund shall apply to the Director. R.S.O. 1970, c. 59, s. 19 (3), <i>amended</i> .
Hearing	(5) Except where he determines that the claim be paid in full, the Director shall hold a hearing and the claimant and such other persons as the Director may specify are parties to the proceedings before him. 1973, c. 12, s. 12 (1), <i>amended</i> .
Determination of payment	(6) The liability of the assurance fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court, be determined by the Director, and the costs of the proceedings under this section shall be in the discretion of the Director or the judge, as the case may be.
Appeal	(7) The Director shall serve notice of his determination under subsection 6 by first class mail on the claimant.
Time for appeal	(8) Where the Director determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director notice of his intention to appeal, and the Director shall not certify under subsection 9 the amount to the Accountant of the Supreme Court if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.
Payment out of fund	(9) Subject to subsection 8, the Director shall certify to the Accountant of the Supreme Court any amount found to be payable under this section and, upon receipt of the certification of the Director, the Accountant of the Supreme Court shall pay the amount to the person entitled thereto.
Liability for fraud and error	(10) Any sum paid out of the assurance fund may, for the benefit of the assurance fund, be recovered by action in the name of the Director from the person on whose application the erroneous certificate of title was registered, or from his estate, and the Director's certification of the payment out of the assurance fund is sufficient proof of the debt. R.S.O. 1970, c. 59, s. 19 (4-8), <i>amended</i> .
Where death or change of interest occurs	<b>14.</b> Proceedings under this Act shall not abate or be suspended by any death or change of interest, but in any such event the Director may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings or otherwise as he considers proper. R.S.O. 1970, c. 59, s. 20.
Regulations	<b>15.</b> The Lieutenant Governor in Council may make regulations,

- (a) designating persons or classes of persons to whom notice of an application under section 4 shall be given and specifying the manner in which notice may be given;
- (b) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) prescribing forms and providing for their use;
- (d) prescribing the manner of making an application for certification of title and the material to be submitted with the application;
- (e) governing standards and procedures for surveys and plans made for the purposes of this Act;
- (f) prescribing administrative procedures for the purposes of this Act;
- (g) prescribing the procedures to be followed by land registrars with respect to matters under this Act;
- (h) governing the correction of errors in certificates of title. R.S.O. 1970, c. 59, s. 21.

**16.** The following are repealed:

Repeals

1. *The Certification of Titles Act*, being chapter 59 of the Revised Statutes of Ontario, 1970.
2. *The Certification of Titles Amendment Act, 1973*, being chapter 12.
3. Section 14 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
4. Section 32 of *The Government Reorganization Act, 1972*, being chapter 1.

**17.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**18.** The short title of this Act is *The Certification of Titles Act, 1979*. Short title





An Act to revise  
The Certification of Titles Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

November 29th, 1979

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

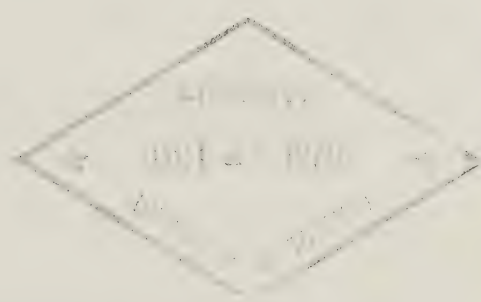
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Land Titles Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTES

SECTION 1. The name of “master of titles” is being deleted and replaced with “land registrar”.

The definitions of “mounted duplicate plan” and “duplicate plan” are being removed as they are no longer required.

Since regulations may be made under *The Registry Act* that may affect land titles, the definition of “regulations” is being amended to reflect this.

SECTION 2. Section 3 of the Act sets out the areas of the Province to which the Act applies and goes on to provide that the areas may be extended by regulation. The new provision provides for all designations to be done by regulation.

BILL 149

1979

## An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (b),  
re-enacted

(b) “land registrar” means a land registrar appointed under section 5;

- (2) Clause *ca* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 132, section 1, is repealed. s. 1 (ca),  
repealed

- (3) Clause *d* of the said section 1 is repealed. s. 1 (d),  
repealed

- (4) Clause *j* of the said section 1 is repealed and the following substituted therefor: s. 1 (j),  
re-enacted

(j) “regulations” means the regulations made under this Act and section 103 of *The Registry Act*. R.S.O. 1970,  
c. 409

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 2, is repealed and the following substituted therefor: s. 3,  
re-enacted

3.—(1) This Act applies to such parts of the Province as are designated by regulation. Application  
of Act

- (2) The Lieutenant Governor in Council may by regulation, Regulations

(a) designate the parts of the Province to which this Act applies;

(b) describe the land titles divisions; and

(c) provide for the location of offices for the land titles system.

s. 5,  
amended

- 3.** Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4, is amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

(2) There shall be at least one deputy land registrar for every land titles division, and, where there is more than one deputy land registrar for a land titles division, one of the deputies shall be designated as the senior deputy land registrar.

Appointments  
under  
R.S.O. 1970,  
c. 386

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*.

s. 8,  
repealed

- 4.** Section 8 of the said Act is repealed.

s. 9,  
re-enacted

- 5.** Section 9 of the said Act is repealed and the following substituted therefor:

Recording  
in fee and  
receiving  
book

9. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director of Land Registration.

s. 11,  
re-enacted

- 6.—(1)** Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 6, is repealed and the following substituted therefor:

Director  
of Titles

11.—(1) The Lieutenant Governor in Council may appoint a person who is a barrister and solicitor to be the Director of Titles.

Deputy  
Director of  
Titles

(2) The Director of Titles may appoint one or more persons each of whom is a barrister and solicitor to be a Deputy Director of Titles.

Senior  
Deputy  
Director

(3) Where the Director of Titles has appointed more than one deputy under this section, he shall designate one of the deputies as the Senior Deputy Director of Titles.

Powers  
and duties

(4) A Deputy Director of Titles appointed under this section has and may exercise such powers and perform such duties of the Director of Titles under this or any other Act as are required by the Director of Titles.

SECTION 3. The effect of the new provision is to eliminate the requirement that deputies be appointed by the land registrar. The deputies are appointed under *The Public Service Act*. The requirement for a deputy land registrar is new. Currently, the appointment of a deputy is permissive. This section is complementary to section 8 of the Bill.

SECTION 4. This is complementary to section 3 of the Bill. The provision repealed provides for employees to be appointed under *The Public Service Act*. This is incorporated in the new section 5 of the Act.

SECTION 5. The section being re-enacted provides that the Director of Titles and every land registrar shall pay fees received to the Treasurer and is an obsolete provision. The handling of public money is covered by section 11 of *The Financial Administration Act*. The new provision provides for a procedure similar to that used in *The Registry Act*.

SECTION 6. The provision as recast provides for more than one Deputy Director of Titles, one of whom may be the Senior Deputy.

SECTION 7. The purpose of the new subsection is to authorize existing administrative procedures without requiring the consent of the land registrars under section 12 (6) of the Act.

SECTION 8. The provisions repealed deal with the appointment of deputy land registrars and this matter is now dealt with in the new section 5 of the Act as set out in section 3 of the Bill.

SECTION 9. The approval of the Director of Land Registration for appointments of assistant examiners of surveys will no longer be required.

SECTION 10. The amendment allows an Ontario land surveyor who has been appointed a Deputy Director of Titles to perform the duties of the Director of Titles under *The Boundaries Act*. At present, the examiner of surveys may do so only under the direction of the Director of Land Registration and as required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

SECTION 11. Section 17 of the Act deals with the taking of oaths of office and is redundant except where it relates to land registrars. The new provision reflects this. Section 18 of the Act deals with possible conflict of interest and is also redundant.

Both of these matters are covered by *The Public Service Act*.

SECTION 12. Section 19 of the Act protects Crown employees from tort actions in respect of acts done in the course of their duties. The amendment clarifies that the Crown can be liable for a tort committed by an employee while exercising his powers under the Act.

- (5) Where the office of Director of Titles becomes vacant, Idem

(a) the Deputy Director of Titles; or

(b) if there is more than one Deputy Director of Titles,  
the Senior Deputy Director of Titles,

may exercise the powers and shall perform the duties of the  
Director of Titles until a Director of Titles is appointed.

- (2) The person who holds the appointment under subsection 1 of section 11 of *The Land Titles Act* before subsection 1 of this section comes into force continues to hold that appointment upon the coming into force of this section. Appointment continued  
R.S.O. 1970,  
c. 234

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 7, is further amended by adding thereto the following subsection: s. 12  
amended

(8) The Director of Titles shall perform such of the functions of a land registrar relating to the first registration of land under this Act as are prescribed. First  
registration

8. Subsections 1 and 2 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, are repealed. s. 14 (1, 2),  
repealed

9. Subsection 4 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, is amended by striking out "with the approval of the Director of Land Registration" in the first and second lines. s. 15 (+)  
amended

10. The said Act, is amended by adding thereto the following section: s. 16,  
enacted

16. The Director of Titles may appoint one or more persons each of whom is an Ontario land surveyor to be a Deputy Director of Titles for purposes of exercising the powers and performing the duties of the Director of Titles under *The Boundaries Act*. Idem  
  
R.S.O. 1970  
c. 48

11. Sections 17 and 18 of the said Act are repealed and the following substituted therefor: s. 17,  
re-enacted  
s. 18,  
repealed

17. Every land registrar, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration. Oath of  
office

12. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19,  
amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Liability  
of Crown  
R.S.O. 1970,  
c. 365

Crown of liability in respect of a tort committed by a person referred to in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

s. 21 (2),  
re-enacted

- 13.** Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Office  
hours

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed.

s. 29,  
re-enacted

- 14.** Section 29 of the said Act is repealed and the following substituted therefor:

Right to  
appeal

29.—(1) Where a hearing has been held under this Act, the decision or order of the Director of Land Registration, Director of Titles or of the land registrar may be appealed to a judge of the county or district court of the county or judicial district in which the land to which the decision or order relates is situate or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*.

Appeal to  
Divisional  
Court

(2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Supreme Court.

s. 34 (4,5),  
repealed

- 15.** Subsections 4 and 5 of section 34 of the said Act are repealed.

s. 35 (1),  
re-enacted

- 16.** Subsection 1 of section 35 of the said Act is repealed and the following substituted therefor:

Registration  
of Crown  
grant  
R.S.O. 1970,  
c. 380

(1) A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 36,  
re-enacted

- 17.** Section 36 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 11, is repealed and the following substituted therefor:

Registration  
of  
federal  
patentees

36. Where land patented by the Government of Canada has not been registered under this Act or *The Registry Act* and the patentee applies for registration within five years after the date of the patent, the land registrar has authority to register the patentee as owner of the land without submitting his finding upon the application to the Director of Titles for his concurrence.

s. 38,  
repealed

- 18.** Section 38 of the said Act is repealed.

SECTION 13. The amendment permits land registry office hours and registration hours to be prescribed by regulations.

SECTION 14. The amendment clarifies the type of decision that is appealable by way of trial *de novo* to the county or district court.

SECTION 15. The amendment does away with the judge's plan procedure and is complementary to section 42 of the Bill.

SECTION 16. The amendment clarifies that Crown grants received under section 40 of *The Public Lands Act* must meet the registration requirements of *The Land Titles Act*.

SECTION 17. The Act now provides that land patented by the Government of Canada may be registered by the land registrar without a submission to the Director of Titles. The amendment restricts this authority to the case where an application is made within five years of the patent.

SECTION 18. The section is repealed to remove an obsolete procedure.

SECTION 19. The amendment clarifies that an application for first registration is an action to recover land so as to prevent a subsequent adverse claim to title under *The Limitations Act*.

SECTION 20. The provisions being removed provide a more cumbersome procedure for bringing the Fund up to \$1,000,000 than the procedure substituted.

SECTION 21.—Subsection 1. The provision provides that The Land Titles Assurance Fund is not liable for claims in respect of interests existing at the time of first registration that are not registered under *The Registry Act* against the title or of which notice is not given to the land registrar.

Subsection 2. At present, in order to claim from the Assurance Fund, one makes a claim to the Director of Titles who then makes a recommendation to the Director of Land Registration who, in turn, authorizes payment out of the Consolidated Revenue Fund. The changes remove the Director of Land Registration from the process so that the Director of Titles, directly, authorizes the payment out of the Fund.

- 19.** Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 13 and 1978, chapter 7, section 1, is further amended by adding thereto the following subsection:

(3a) An application under section 33 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*.

s. 51,  
amended  
  
Application  
under s. 33  
deemed action  
for recovery  
of land  
R.S.O. 1970  
c. 246

- 20.**—(1) Subsections 2, 3 and 4 of section 61 of the said Act are repealed and the following substituted therefor:

(2) Where the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it from the Consolidated Revenue Fund of an amount fixed by the Lieutenant Governor in Council.

s. 61 (2, 3)  
re-enacted;  
s. 61 (4)  
repealed

(3) Money paid under subsection 2 shall be paid into the Supreme Court.

Idem

Money paid  
into  
court

- (2) Subsection 5 of the said section 61 is amended by striking out "subsection 4" in the second line and inserting in lieu thereof "subsection 2".

s. 61 (5),  
amended

- 21.**—(1) Section 64 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 16, is further amended by adding thereto the following subsection:

(1a) A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing at the time the land is brought under this Act unless that interest is registered against the title to the land under *The Registry Act* or notice of it is given to the land registrar before the first registration under this Act of a person as owner of the land.

Where no  
compensation

R.S.O. 1970  
c. 40(9)

- (2) Subsection 4 and subsection 4a, as enacted by the Statutes of Ontario, 1972, chapter 132, section 16, and subsections 5, 6, 7, 8, 9 and 10 of the said section 64 are repealed and the following substituted therefor:

s. 64 (4-10),  
re-enacted

(4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the Director of Titles.

Application  
for compen-  
sation  
from  
Assurance  
Fund

(5) Except where he determines the claim be paid in full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.

Hearing

(6) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Director

How com-  
pensation  
to be  
determined

of Titles, and the costs of the proceedings are in the discretion of the Director of Titles.

Claimant  
to be  
notified

(7) The Director of Titles shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Appeal

(8) Where the Director of Titles determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director of Titles notice of his intention to appeal under section 29, and the Director of Titles shall not certify under subsection 9 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

(9) Subject to subsection 8, the Director of Titles shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Director of Titles' certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

How  
Assurance  
Fund to be  
recouped

(10) Any sum paid out of the Assurance Fund may afterwards, for the benefit of the Assurance Fund, be recovered by action in the name of the Director of Titles from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error or from his estate, and the Director of Titles' certificate of the payment out of the Assurance Fund is sufficient proof of the debt.

Rectification  
of register

(11) Where a registered disposition would be absolutely void if unregistered or where the effect of the error would be to deprive a person of land of which he is in possession or in receipt of the rents and profits, the Director of Titles may, in the first instance or after a reference to the court, direct the rectification of the register and, in the case of rectification, the person suffering by the rectification is entitled to the compensation provided for by this section.

Action by  
Director of  
Land  
Registration  
R.S.O. 1970,  
c. 234

(3) Any action commenced in the name of the Director of Land Registration under subsection 9 of section 64 of *The Land Titles Act* before this section comes into force may be continued in the name of the Director of Titles.

s. 66 (1) (b),  
amended

**22.** Clause *b* of subsection 1 of section 66 of the said Act is amended by striking out "appear" in the fifth line and inserting in lieu thereof "act".

Subsection 3. Self-explanatory.

SECTION 22. The amendment clarifies a situation in which a person is disentitled to compensation from the Assurance Fund.

SECTION 23. The new provisions clarify the situation where a part owner of land or a charge deals with his interest.

SECTION 24.—Subsection 1. The re-enactment is to make current a reference to an Act that was recently revised and for greater clarity.

Subsection 2. This new subsection requires affidavit evidence on a transfer of or cessation of charge made by a trustee of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) that the trustee was authorized to execute the instrument.

SECTION 25. Self-explanatory.

SECTION 26. This is a housekeeping amendment to reflect the change of name from Trans-Canada Pipe Lines Limited to TransCanada PipeLines Limited.

- 23.** Subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2),  
re-enacted

(2) Where the extent of a co-owner's interest is not shown on the register, he may, Rights of  
part owner

(a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, if the land registrar is satisfied, by an affidavit of all co-owners setting out the percentage or fractional interest that belongs to the transferor or chargor, that the transferor or chargor has a sufficient interest to transfer or charge such share; or

(b) transfer or charge all of his unspecified share.

- 24.**—(1) Subsection 1 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (1),  
re-enacted

(1) Where registered land or an interest therein is acquired by trustees under *The Religious Organizations' Lands Act, 1979*, it shall be registered in the name of the religious organization without setting out the purposes or trusts on which the land or interest is held. Registration of  
trustees under  
1979, c. 45

(2) The said section 71, as amended by the Statutes of Ontario, 1972, chapter 132, section 17, is further amended by adding thereto the following subsection: s. 71,  
amended

(4) A transfer or cessation of a charge made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the transfer or cessation. Idem

- 25.** The said Act is amended by adding thereto the following section: s. 74a,  
enacted

74a. Subject to section 71, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by his surname and by at least one given name in full. Description  
of  
registered  
owner

- 26.** Subsection 3 of section 79 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 19, is repealed and the following substituted therefor: s. 79 (3),  
re-enacted

(3) Subject to the regulations, the Trans-Canada Pipe Line register established under clause c of section 182 shall be deemed, Trans-Canada  
Pipe Line  
register

for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by TransCanada PipeLines Limited.

s. 89a,  
enacted

**27.** The said Act is further amended by adding thereto the following section:

Prohibitions  
on taking  
affidavits

89a. No person authorized to take affidavits shall take an affidavit,

(a) as to the execution of an instrument to which he is a party; or

(b) as to the execution of an instrument unless the witness has subscribed on the instrument his name in his handwriting as witness.

s. 97,  
repealed

**28.** Section 97 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 22, is repealed.

s. 98 (2),  
re-enacted

**29.—**(1) Subsection 2 of section 98 of the said Act is repealed and the following substituted therefor:

What charge  
shall  
contain

(2) A charge that secures the payment of money shall contain the amount of the principal sum that the charge secures, the rate of interest and the periods of payment including the due date.

s. 98 (7),  
repealed

(2) Subsection 7 of the said section 98 is repealed.

s. 106 (3),  
re-enacted

**30.** Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor:

Partial  
cessation  
of charge

(3) On the requisition or certificate of the registered owner of a registered charge or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom, the land registrar may note on the register the discharge of such land from the charge, and thereupon the charge ceases as to the land discharged.

s. 115 (4),  
amended

**31.—**(1) Subsection 4 of section 115 of the said Act is amended by striking out “a copy” in the second line and inserting in lieu thereof “an executed copy”.

s. 115 (7),  
amended

(2) Subsection 7 of the said section 115 is amended by striking out “in the prescribed form” in the eighth line.

ss. 117-121,  
repealed

**32.** Sections 117, 118, 119, 120 and 121 of the said Act are repealed.

s. 121a,  
repealed

**33.** Section 121a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 25, is repealed.

SECTION 27. Self-explanatory.

SECTION 28. The effect of the repeal is to do away with the requirement of corporate transferees and chargees registering their letters patent, articles of incorporation, or licences to hold land in Ontario.

SECTION 29. The recast provision clarifies the information that must be included in a charge that secures the payment of money. The requirement for the consent of the chargee under a deed of trust and mortgage to a transfer or charge of the land by the registered owner is removed.

SECTION 30. The new provision is consistent with section 60 of *The Registry Act* as amended in 1972. The reduction in the sum secured by a charge will no longer be noted on the register. Cessations of charges in respect of part, but not necessarily all, of lands secured by a charge will continue to be noted.

SECTION 31. The amendments clarify that an executed copy of a lease must accompany an application to register notice of a lease and remove the requirement that certain registered notices be in a prescribed form.

SECTION 32. The provisions repealed provide for the issuance by the land registrar of certificates of ownership of freehold and leasehold land, certificates of charges and authenticated copies of registered leases.

SECTION 33. The provision repealed provided that the issuing of certificates referred to in sections 117, 119, 120 and 121 of the Act may be suspended by regulation. With the repeal of those sections, this provision is no longer necessary.

SECTION 34. The subsection now provides that a condition, restriction or covenant that is registered against title and has no fixed expiry date may be deleted after forty years upon application to the land registrar. The provision as recast deems the condition, etc., to have expired after forty years.

SECTION 35. The re-enactment of the subsection will make it unnecessary to register consents under *The Succession Duty Act* in respect of deaths before 1970.

SECTION 36.—Subsection 1. At present, the Act provides in section 143 (1) that where a caution is registered, an owner cannot deal with the land without giving notice to the cautioner. Section 144 (1) of the Act provides that the owner cannot deal with the land without the consent of the cautioner. The amendment makes section 143 (1) of the Act consistent with section 144 (1).

Subsection 2. This provision is substantially the same as section 145 (1) of the Act which will be repealed by section 38 of the Bill.

Subsection 3. The section now provides that a caution expires after five years unless renewed where the land registrar gives notice of the impending expiration. The effect of the repeals is to cause automatic expiry.

Subsection 4. This provision preserves, for one year, for persons with cautions already registered, the right to receive notice of expiry.

SECTION 37. The amendments are complementary to subsection 1 of section 36 of the Bill.

- 34.** Subsection 9 of section 129 of the said Act is repealed and the following substituted therefor: s. 129 (9), re-enacted

(9) Where a condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar. Condition, etc., expires after 40 years

- 35.** Subsection 2 of section 140 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 3, is repealed and the following substituted therefor: s. 140 (2), re-enacted

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1970 or after the 10th day of April, 1979. Saving

- 36.—**(1) Subsection 1 of section 143 of the said Act is amended by striking out “until notice has been served upon the cautioner in accordance with the rules” in the sixth and seventh lines and inserting in lieu thereof “without the consent of the cautioner”. s. 143 (1), amended

- (2) The said section 143 is amended by adding thereto the following subsection: s. 143, amended

(1a) Where the registered owner of freehold or leasehold land or of a charge has executed a transfer or a charge of the land or a transfer of the charge but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without the consent of the registered owner, the land registrar may permit the registration of a caution by the registered owner. Caution by registered owner

- (3) Subsections 4 and 5 of the said section 143 are repealed. s. 143 (4, 5), repealed

- (4) Notwithstanding subsection 3, subsections 4 and 5 of section 143 of *The Land Titles Act* continue in force for one year from the day this section comes into force in respect of cautions registered before this section comes into force. Continuing effect of s. 143 (4, 5), R.S.O. 1976 c. 234

- 37.—**(1) Subsection 2 of section 144 of the said Act is repealed and the following substituted therefor: s. 144 (2), re-enacted

(2) The registered owner, or any other person having an interest in land or a charge against which a caution has been registered, may apply to the land registrar at any time for a notice to be served upon the cautioner warning him that his caution may cease to have effect unless the cautioner appears before the land Owner may apply for removal of caution

registrar at the time and place mentioned in the notice and satisfies him that the caution should not be deleted from the register.

s. 144 (4),  
re-enacted;  
s. 144 (5),  
repealed

(2) Subsections 4 and 5 of the said section 144 are repealed and the following substituted therefor:

Where  
cautioner  
fails to  
satisfy

(4) If the cautioner fails to satisfy the land registrar that the caution should continue, the land registrar may order that the entry of the caution be deleted from the register, and, unless the order is appealed, the land registrar shall delete the entry of the caution from the register and thereupon the caution ceases.

s. 144 (6),  
amended

(3) Subsection 6 of the said section 144 is amended by striking out “A notice to” in the first line and inserting in lieu thereof “The consent of” and by striking out “after notice to the cautioner,” in the sixteenth line and inserting in lieu thereof “the consent of the cautioner is obtained”.

s. 144 (7),  
re-enacted

(4) Subsection 7 of the said section 144 is repealed and the following substituted therefor:

Caution  
against  
part

(7) Where a caution affects part only of the land dealt with by the transfer, charge or other instrument, the land registrar may, upon the application in writing of the person desiring registration or his solicitor, register the instrument as to the land not affected by the caution, and may subsequently, with the consent of the cautioner, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof.

s. 144 (8),  
re-enacted

(5) Subsection 8 of the said section 144 is repealed and the following substituted therefor:

Power of  
land registrar

(8) A land registrar, upon receiving a withdrawal of caution in the prescribed form, may delete the caution referred to in the withdrawal from the register.

s. 145,  
repealed

**38.** Section 145 of the said Act is repealed.

s. 146,  
repealed

**39.** Section 146 of the said Act is repealed.

s. 160a,  
re-enacted

**40.** Section 160a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30 and amended by 1973, chapter 39, section 1, is repealed and the following substituted therefor:

Compulsory  
registration  
1978, c. 84

160a.—(1) Except as provided by subsection 2, where land described in a description as defined in *The Condominium Act, 1978* or shown on a plan of subdivision is situate in a land titles

SECTION 38. The repeal eliminates a redundant subsection, being section 145 (2). Section 145 (1) of the Act is re-enacted as section 144 (2), with minor changes, in subsection 2 of section 36 of the Bill.

SECTION 39. The provision repealed deals with the taking of security by a land registrar from a person who has registered a caution. The provision is not relied upon by land registrars.

SECTION 40. Section 160*a* of the Act now provides that a plan of subdivision of land within a land titles division shall not be registered under *The Registry Act* except under certain conditions. The new provision retains this concept while also making the provision apply to condominium land. The provision in *The Condominium Act, 1978*, that currently covers this is being taken out of that Act and put in *The Registry Act* and *The Land Titles Act*.

The new aspect of the provision is the power to exempt the application of subsection 1 by regulation.

SECTION 41.—Subsection 1. The amendment removes the requirement that an Ontario land surveyor certify a plan of subdivision before it will be accepted for registration. The requirement is now in the regulations.

Subsection 2. The amendment allows seals to be affixed to plans deposited in the land titles system.

Subsection 3. The repealed subsections have been incorporated into the consolidated survey regulations under *The Registry Act* and deal with the mechanics of registering a plan.

SECTION 42. The provision repealed deals with the registration of judge's plans.

SECTION 43. The provision, as recast, removes the requirement that Ontario land surveyors certify plans. This requirement is now in the regulations.

SECTION 44. The effect of the re-enactment is to permit the requirement that a reference plan be a plan of survey to be governed by the regulations.

The effect of repealing subsection 4 of section 167 of the Act is to make it impossible to withdraw a reference plan once it has been deposited in a land registry office.

division, the description along with the appropriate declaration or the plan of subdivision, as the case may be, shall be registered under this Act.

(2) A plan of subdivision may be registered under *The Registry Act* where, Exception  
to subs. 1  
R.S.O. 1970  
c. 40<sup>9</sup>

- (a) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
- (b) the registration under this Act of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in the registration of the plan; or
- (c) a regulation made under subsection 3 applies to the land shown on the plan.

(3) The Lieutenant Governor in Council may make regulations designating such land titles divisions, or parts thereof, as are specified in the regulations as areas within which subsection 1 does not apply and such designation may be limited to a specified period or may expire on a specified date. Exception  
by regulation

**41.**—(1) Subsection 2 of section 161 of the said Act is amended by striking out “and certified by him in the prescribed form” in the fourth and fifth lines. s. 161 (2),  
amended

(2) Subsection 3 of the said section 161 is amended by striking out “but no seal shall be affixed thereto” in the second line. s. 161 (3),  
amended

(3) Subsections 4, 5 and 6 of the said section 161 are repealed. s. 161 (4-6),  
repealed

**42.** Section 162 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 162,  
repealed

**43.** Subsection 3 of section 164 of the said Act is repealed and the following substituted therefor: s. 164 (3),  
re-enacted

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated by an Ontario land surveyor upon a duplicate of the plan so registered. Subsequent  
severance

**44.** Subsections 1 and 4 of section 167 of the said Act are repealed and the following substituted therefor: s. 167 (1),  
re-enacted;  
s. 167 (4),  
repealed

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of the land prepared by an Ontario land Reference  
plan  
required  
in certain  
cases

surveyor, to be known as a reference plan, has been deposited for record in the land registry office.

s. 170,  
repealed

**45.** Section 170 of the said Act is repealed.

s. 172 (1),  
repealed

**46.** Subsection 1 of section 172 of the said Act is repealed.

s. 182 (c),  
re-enacted

**47.**—(1) Clause *c* of section 182 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed and the following substituted therefor:

(c) the mode in which any special register is to be made and kept;

(ca) the hours during which the land registry offices shall be kept open and the hours during which instruments shall be received for registration.

s. 182 (d),  
re-enacted

(2) Clause *d* of the said section 182, as amended by the Statutes of Ontario, 1972, chapter 132, section 35, is repealed and the following substituted therefor:

(d) the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration;

s. 182 (e),  
re-enacted

(3) Clause *e* of the said section 182 is repealed and the following substituted therefor:

(e) the custody, disposition and destruction of instruments and records of land registry offices;

(ea) the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles.

s. 182,  
amended

(4) The said section 182 is amended by adding thereto the following subsection:

Application  
of  
regulations

(2) The application of any provision of the regulations made under subsection 1 may be limited to one or more land titles divisions.

s. 184 (1),  
re-enacted

**48.**—(1) Subsection 1 of section 184 of the said Act is repealed and the following substituted therefor:

Custody of  
registered  
documents

(1) Every registered instrument and deposited or registered plan is the property of the Crown and, except as otherwise provided in the regulations, shall be retained in the custody of the land registrar in his office.

SECTION 45. The provision repealed provides that where a plan has been registered, every instrument affecting the land shown on the plan must conform and refer to the plan. This is now covered by regulation.

SECTION 46. The provision repealed provides that in some circumstances the registration of a plan is not binding. The repeal removes some element of uncertainty.

SECTION 47.—Subsection 1. Clause *c* is re-enacted to remove obsolete references. The new clause *ca* is complementary to section 13 of the Bill.

Subsection 2. The clause is re-enacted to remove a reference to an obsolete procedure.

Subsection 3. The recast provision rewords the current provision permitting the Lieutenant Governor in Council to pass regulations for the destruction of instruments and records kept in land registry offices. The added clause *ea* is complementary to section 7 of the Bill.

Subsection 4. Self-explanatory.

SECTION 48.—Subsection 1. The provision, as recast, permits destruction of instruments as provided in the regulations. Instruments are now put on microfilm. The provision also clarifies that instruments, etc., are the property of the Crown.

Subsection 2. Complementary to subsection 1.

Subsection 3. The provision being repealed provides for the destruction of certain instruments upon certain conditions being met. The effect of the repeal is to permit destruction as provided by the regulations.

SECTION 49. The provision prevents the limitation period for an offence under section 184a of the Act from running until the offence is discovered. Section 184a of the Act makes it an offence to alter records in or remove records from a land registry office unless authorized by law. The maximum penalty for altering records is being increased from \$1,000 to \$5,000.

SECTION 50. The provision, as recast, clarifies that an address for service must be provided when certain instruments are registered. It also provides for the registration of a notice of change of address.

The repealed subsections 2 and 3 dealt with the procedure for serving notice. This is now governed by *The Statutory Powers Procedure Act, 1971*.

- (2) Clause *b* of subsection 2 of the said section 184 is amended by striking out “registered” in the second line and inserting in lieu thereof “retained”. s. 184 (3),  
repealed

- (3) Subsection 3 of the said section 184 is repealed. s. 184 (2) (b)  
amended

- 49.**—(1) Section 184*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 36, is amended by striking out “\$1,000” in the twelfth line and inserting in lieu thereof “\$5,000”. s. 184*a*,  
amended

- (2) The said section 184*a* is further amended by adding thereto the following subsection: s. 184*a*,  
amended

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar. When  
limitation  
period  
starts to  
run

- 50.**—(1) Subsection 1, as amended by the Statutes of Ontario, 1972, chapter 132, section 37, and subsections 2 and 3 of section 185 of the said Act are repealed and the following substituted therefor: s. 185 (1, 2),  
re-enacted;  
s. 185 (3),  
repealed

- (1) A land registrar shall not register, Address for  
service to be  
endorsed on  
certain  
instruments
- (a) a transfer;
  - (b) a notice of an agreement of purchase and sale of land or an assignment thereof;
  - (c) a notice of an option for the purchase of land or an assignment thereof;
  - (d) a charge or a transfer thereof;
  - (e) a notice of a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor’s interest in a lease or any assignment thereof;
  - (f) a claim for a mechanics’ lien or an assignment thereof;
  - (g) a notice of security interest under *The Personal Property Security Act* or an assignment thereof; R.S.O. 1970,  
c. 344
  - (h) a certificate of judgment or a final order of foreclosure of a mortgage;
  - (i) a vesting order;

1978. c. 84

- (j) a notice of lien under section 32 of *The Condominium Act, 1978*;
- (k) an application to be registered as owner of land or of a charge; or
- (l) a caution,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Idem

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

Act,  
amended

**51.** The said Act and the regulations thereunder are amended by striking out “master of titles” and “proper master of titles” wherever they occur and substituting therefor in each instance “land registrar”.

Saving  
provision

**52.** No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument or plan that was registered before the provision came into force.

Amendment to  
reference to  
master of  
titles

**53.** A reference in any Act or regulation to a master of titles shall be deemed to be a reference to a land registrar.

Commence-  
ment

**54.**—(1) This Act, except sections 2, 3, 4, 8, 11, 13, 40 and 50, comes into force on the 1st day of January, 1980.

Idem

(2) Sections 2, 3, 4, 8, 11, 13, 40 and 50 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**55.** The short title of this Act is *The Land Titles Amendment Act, 1979*.

SECTION 51. This is complementary to section 1 of the Bill.

SECTION 52. Self-explanatory.

SECTION 53. Complementary to section 1 of the Bill.





An Act to amend The Land Titles Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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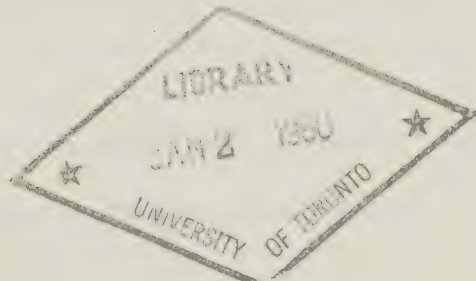
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

## An Act to amend The Land Titles Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations

*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTES

SECTION 1. The name of “master of titles” is being deleted and replaced with “land registrar”.

The definitions of “mounted duplicate plan” and “duplicate plan” are being removed as they are no longer required.

Since regulations may be made under *The Registry Act* that may affect land titles, the definition of “regulations” is being amended to reflect this.

SECTION 2. Section 3 of the Act sets out the areas of the Province to which the Act applies and goes on to provide that the areas may be extended by regulation. The new provision provides for all designations to be done by regulation.

BILL 149

1979

## An Act to amend The Land Titles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Clause *b* of section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*b*),  
re-enacted

(*b*) “land registrar” means a land registrar appointed under section 5;

- (2) Clause *ca* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 132, section 1, is repealed. s. 1 (*ca*),  
repealed

- (3) Clause *d* of the said section 1 is repealed. s. 1 (*d*),  
repealed

- (4) Clause *j* of the said section 1 is repealed and the following substituted therefor: s. 1 (*j*),  
re-enacted

(*j*) “regulations” means the regulations made under this Act and section 103 of *The Registry Act*. R.S.O. 1970,  
c. 409

- 2.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 2, is repealed and the following substituted therefor: s. 3,  
re-enacted

**3.**—(1) This Act applies to such parts of the Province as are designated by regulation. Application  
of Act

- (2) The Lieutenant Governor in Council may by regulation, Regulations

(*a*) designate the parts of the Province to which this Act applies;

(*b*) describe the land titles divisions; and

- (c) provide for the location of offices for the land titles system.

s. 5,  
amended

- 3.** Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4, is amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

- (2) There shall be at least one deputy land registrar for every land titles division, and, where there is more than one deputy land registrar for a land titles division, one of the deputies shall be designated as the senior deputy land registrar.

Appointments  
under  
R.S.O. 1970,  
c. 386

- (3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*.

s. 8,  
repealed

- 4.** Section 8 of the said Act is repealed.

s. 9,  
re-enacted

- 5.** Section 9 of the said Act is repealed and the following substituted therefor:

Recording  
in fee and  
receiving  
book

9. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director of Land Registration.

s. 11,  
re-enacted

- 6.—(1)** Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 6, is repealed and the following substituted therefor:

Director  
of Titles

- 11.—(1) The Lieutenant Governor in Council may appoint a person who is a barrister and solicitor to be the Director of Titles.

Deputy  
Directors of  
Titles

- (2) The Director of Titles may appoint one or more persons each of whom is a barrister and solicitor to be a Deputy Director of Titles.

Senior  
Deputy  
Director

- (3) Where the Director of Titles has appointed more than one deputy under this section, he shall designate one of the deputies as the Senior Deputy Director of Titles.

Powers  
and duties

- (4) A Deputy Director of Titles appointed under this section has and may exercise such powers and perform such duties of the Director of Titles under this or any other Act as are required by the Director of Titles.

SECTION 3. The effect of the new provision is to eliminate the requirement that deputies be appointed by the land registrar. The deputies are appointed under *The Public Service Act*. The requirement for a deputy land registrar is new. Currently, the appointment of a deputy is permissive. This section is complementary to section 8 of the Bill.

SECTION 4. This is complementary to section 3 of the Bill. The provision repealed provides for employees to be appointed under *The Public Service Act*. This is incorporated in the new section 5 of the Act.

SECTION 5. The section being re-enacted provides that the Director of Titles and every land registrar shall pay fees received to the Treasurer and is an obsolete provision. The handling of public money is covered by section 11 of *The Financial Administration Act*. The new provision provides for a procedure similar to that used in *The Registry Act*.

SECTION 6. The provision as recast provides for more than one Deputy Director of Titles, one of whom may be the Senior Deputy.

SECTION 7. The purpose of the new subsection is to authorize existing administrative procedures without requiring the consent of the land registrars under section 12 (6) of the Act.

SECTION 8. The provisions repealed deal with the appointment of deputy land registrars and this matter is now dealt with in the new section 5 of the Act as set out in section 3 of the Bill.

SECTION 9. The approval of the Director of Land Registration for appointments of assistant examiners of surveys will no longer be required.

SECTION 10. The amendment allows an Ontario land surveyor who has been appointed a Deputy Director of Titles to perform the duties of the Director of Titles under *The Boundaries Act*. At present, the examiner of surveys may do so only under the direction of the Director of Land Registration and as required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

SECTION 11. Section 17 of the Act deals with the taking of oaths of office and is redundant except where it relates to land registrars. The new provision reflects this. Section 18 of the Act deals with possible conflict of interest and is also redundant.

Both of these matters are covered by *The Public Service Act*.

SECTION 12. Section 19 of the Act protects Crown employees from tort actions in respect of acts done in the course of their duties. The amendment clarifies that the Crown can be liable for a tort committed by an employee while exercising his powers under the Act.

(5) Where the office of Director of Titles becomes vacant, Idem

(a) the Deputy Director of Titles; or

(b) if there is more than one Deputy Director of Titles,  
the Senior Deputy Director of Titles,

may exercise the powers and shall perform the duties of the  
Director of Titles until a Director of Titles is appointed.

(2) The person who holds the appointment under subsection 1 of section 11 of *The Land Titles Act* before subsection 1 of this section comes into force continues to hold that appointment upon the coming into force of this section. Appointment continued  
R.S.O. 1970,  
c. 234

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 7, is further amended by adding thereto the following subsection: s. 12.  
amended

(8) The Director of Titles shall perform such of the functions of a land registrar relating to the first registration of land under this Act as are prescribed. First registration

8. Subsections 1 and 2 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, are repealed. s. 14 (1, 2),  
repealed

9. Subsection 4 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, is amended by striking out "with the approval of the Director of Land Registration" in the first and second lines. s. 15 (4)  
amended

10. The said Act, is amended by adding thereto the following section: s. 16,  
enacted

16. The Director of Titles may appoint one or more persons each of whom is an Ontario land surveyor to be a Deputy Director of Titles for purposes of exercising the powers and performing the duties of the Director of Titles under *The Boundaries Act*. Deputy Directors of Titles for  
R.S.O. 1970  
c. 48

11. Sections 17 and 18 of the said Act are repealed and the following substituted therefor: s. 17,  
re-enacted  
s. 18,  
repealed

17. Every land registrar, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration. Oath of office

12. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19,  
amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Liability of Crown  
R.S.O. 1970,  
c. 365

Crown of liability in respect of a tort committed by a person referred to in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

s. 21 (2),  
re-enacted

- 13.** Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Office  
hours

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed.

s. 29,  
re-enacted

- 14.** Section 29 of the said Act is repealed and the following substituted therefor:

Right to  
appeal

29.—(1) Where a hearing has been held under this Act, the decision or order of the Director of Land Registration, Director of Titles or of the land registrar may be appealed to a judge of the county or district court of the county or judicial district in which the land to which the decision or order relates is situate or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*.

Appeal to  
Divisional  
Court

(2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Supreme Court.

s. 34 (4,5),  
repealed

- 15.** Subsections 4 and 5 of section 34 of the said Act are repealed.

s. 35 (1),  
re-enacted

- 16.** Subsection 1 of section 35 of the said Act is repealed and the following substituted therefor:

Registration  
of Crown  
grant  
R.S.O. 1970,  
c. 380

(1) A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 36,  
re-enacted

- 17.** Section 36 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 11, is repealed and the following substituted therefor:

Registration  
of  
federal  
patentees

36. Where land patented by the Government of Canada has not been registered under this Act or *The Registry Act* and the patentee applies for registration within five years after the date of the patent, the land registrar has authority to register the patentee as owner of the land without submitting his finding upon the application to the Director of Titles for his concurrence.

s. 38,  
repealed

- 18.** Section 38 of the said Act is repealed.

SECTION 13. The amendment permits land registry office hours and registration hours to be prescribed by regulations.

SECTION 14. The amendment clarifies the type of decision that is appealable by way of trial *de novo* to the county or district court.

SECTION 15. The amendment does away with the judge's plan procedure and is complementary to section 42 of the Bill.

SECTION 16. The amendment clarifies that Crown grants received under section 40 of *The Public Lands Act* must meet the registration requirements of *The Land Titles Act*.

SECTION 17. The Act now provides that land patented by the Government of Canada may be registered by the land registrar without a submission to the Director of Titles. The amendment restricts this authority to the case where an application is made within five years of the patent.

SECTION 18. The section is repealed to remove an obsolete procedure.

SECTION 19. The amendment clarifies that an application for first registration is an action to recover land so as to prevent a subsequent adverse claim to title under *The Limitations Act*.

SECTION 20. The provisions being removed provide a more cumbersome procedure for bringing the Fund up to \$1,000,000 than the procedure substituted.

SECTION 21.—Subsection 1. The provision provides that The Land Titles Assurance Fund is not liable for claims in respect of interests existing at the time of first registration that are not registered under *The Registry Act* against the title or of which notice is not given to the land registrar.

Subsection 2. At present, in order to claim from the Assurance Fund, one makes a claim to the Director of Titles who then makes a recommendation to the Director of Land Registration who, in turn, authorizes payment out of the Consolidated Revenue Fund. The changes remove the Director of Land Registration from the process so that the Director of Titles, directly, authorizes the payment out of the Fund.

- 19.** Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 13 and 1978, chapter 7, section 1, is further amended by adding thereto the following subsection:
- s. 51,  
amended
- (3a) An application under section 33 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*.
- Application under s. 33 deemed action for recovery of land  
R.S.O. 1970, c. 246
- 20.**—(1) Subsections 2, 3 and 4 of section 61 of the said Act are repealed and the following substituted therefor:
- s. 61 (2, 3),  
re-enacted;  
s. 61 (4),  
repealed
- (2) Where the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it from the Consolidated Revenue Fund of an amount fixed by the Lieutenant Governor in Council.
- Idem
- (3) Money paid under subsection 2 shall be paid into the Supreme Court.
- Money paid into court
- (2) Subsection 5 of the said section 61 is amended by striking out “subsection 4” in the second line and inserting in lieu thereof “subsection 2”.
- s. 61 (5),  
amended
- 21.**—(1) Section 64 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 16, is further amended by adding thereto the following subsection:
- s. 64,  
amended
- (1a) A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing at the time the land is brought under this Act unless that interest is registered against the title to the land under *The Registry Act* or notice of it is given to the land registrar before the first registration under this Act of a person as owner of the land.
- Where no compensation  
R.S.O. 1970, c. 409
- (2) Subsection 4 and subsection 4a, as enacted by the Statutes of Ontario, 1972, chapter 132, section 16, and subsections 5, 6, 7, 8, 9 and 10 of the said section 64 are repealed and the following substituted therefor:
- s. 64 (4-10),  
re-enacted
- (4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the Director of Titles.
- Application for compensation from Assurance Fund
- (5) Except where he determines the claim be paid in full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.
- Hearing
- (6) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Director
- How compensation to be determined

of Titles, and the costs of the proceedings are in the discretion of the Director of Titles.

Claimant  
to be  
notified

(7) The Director of Titles shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Appeal

(8) Where the Director of Titles determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director of Titles notice of his intention to appeal under section 29, and the Director of Titles shall not certify under subsection 9 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

(9) Subject to subsection 8, the Director of Titles shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Director of Titles' certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

How  
Assurance  
Fund to be  
recouped

(10) Any sum paid out of the Assurance Fund may afterwards, for the benefit of the Assurance Fund, be recovered by action in the name of the Director of Titles from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error or from his estate, and the Director of Titles' certificate of the payment out of the Assurance Fund is sufficient proof of the debt.

Rectification  
of register

(11) Where a registered disposition would be absolutely void if unregistered or where the effect of the error would be to deprive a person of land of which he is in possession or in receipt of the rents and profits, the Director of Titles may, in the first instance or after a reference to the court, direct the rectification of the register and, in the case of rectification, the person suffering by the rectification is entitled to the compensation provided for by this section.

Action by  
Director of  
Land  
Registration  
R.S.O. 1970,  
c. 234

(3) Any action commenced in the name of the Director of Land Registration under subsection 9 of section 64 of *The Land Titles Act* before this section comes into force may be continued in the name of the Director of Titles.

s. 66 (1) (b),  
amended

**22.** Clause *b* of subsection 1 of section 66 of the said Act is amended by striking out "appear" in the fifth line and inserting in lieu thereof "act".

Subsection 3. Self-explanatory.

SECTION 22. The amendment clarifies a situation in which a person is disentitled to compensation from the Assurance Fund.

SECTION 23. The new provisions clarify the situation where a part owner of land or a charge deals with his interest.

SECTION 24.—Subsection 1. The re-enactment is to make current a reference to an Act that was recently revised and for greater clarity.

Subsection 2. This new subsection requires affidavit evidence on a transfer of or cessation of charge made by a trustee of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) that the trustee was authorized to execute the instrument.

SECTION 25. Self-explanatory.

SECTION 26. This is a housekeeping amendment to reflect the change of name from Trans-Canada Pipe Lines Limited to TransCanada PipeLines Limited.

**23.** Subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2), re-enacted

(2) Where the extent of a co-owner's interest is not shown on the register, he may, Rights of part owner

(a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, if the land registrar is satisfied, by an affidavit of all co-owners setting out the percentage or fractional interest that belongs to the transferor or chargor, that the transferor or chargor has a sufficient interest to transfer or charge such share; or

(b) transfer or charge all of his unspecified share.

**24.—**(1) Subsection 1 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (1), re-enacted

(1) Where registered land or an interest therein is acquired by trustees under *The Religious Organizations' Lands Act, 1979*, it shall be registered in the name of the religious organization without setting out the purposes or trusts on which the land or interest is held. Registration of trustees under 1979, c. 45

(2) The said section 71, as amended by the Statutes of Ontario, 1972, chapter 132, section 17, is further amended by adding thereto the following subsection: s. 71, amended

(4) A transfer or cessation of a charge made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the transfer or cessation. Idem

**25.** The said Act is amended by adding thereto the following section: s. 74a, enacted

74a. Subject to section 71, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by his surname and by at least one given name in full. Description of registered owner

**26.** Subsection 3 of section 79 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 19, is repealed and the following substituted therefor: s. 79 (3), re-enacted

(3) Subject to the regulations, the Trans-Canada Pipe Line register established under clause *c* of section 182 shall be deemed, Trans-Canada Pipe Line register

for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by TransCanada PipeLines Limited.

s. 89a,  
enacted

**27.** The said Act is further amended by adding thereto the following section:

Prohibitions  
on taking  
affidavits

89a. No person authorized to take affidavits shall take an affidavit,

(a) as to the execution of an instrument to which he is a party; or

(b) as to the execution of an instrument unless the witness has subscribed on the instrument his name in his hand-writing as witness.

s. 97,  
repealed

**28.** Section 97 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 22, is repealed.

s. 98 (2),  
re-enacted

**29.**—(1) Subsection 2 of section 98 of the said Act is repealed and the following substituted therefor:

What charge  
shall  
contain

(2) A charge that secures the payment of money shall contain the amount of the principal sum that the charge secures, the rate of interest and the periods of payment including the due date.

s. 98 (7),  
repealed

(2) Subsection 7 of the said section 98 is repealed.

s. 106 (3),  
re-enacted

**30.** Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor:

Partial  
cessation  
of charge

(3) On the requisition or certificate of the registered owner of a registered charge or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom, the land registrar may note on the register the discharge of such land from the charge, and thereupon the charge ceases as to the land discharged.

s. 115 (4),  
amended

**31.**—(1) Subsection 4 of section 115 of the said Act is amended by striking out “a copy” in the second line and inserting in lieu thereof “an executed copy”.

s. 115 (7),  
amended

(2) Subsection 7 of the said section 115 is amended by striking out “in the prescribed form” in the eighth line.

ss. 117-121,  
repealed

**32.** Sections 117, 118, 119, 120 and 121 of the said Act are repealed.

s. 121a,  
repealed

**33.** Section 121a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 25, is repealed.

SECTION 27. Self-explanatory.

SECTION 28. The effect of the repeal is to do away with the requirement of corporate transferees and chargees registering their letters patent, articles of incorporation, or licences to hold land in Ontario.

SECTION 29. The recast provision clarifies the information that must be included in a charge that secures the payment of money. The requirement for the consent of the chargee under a deed of trust and mortgage to a transfer or charge of the land by the registered owner is removed.

SECTION 30. The new provision is consistent with section 60 of *The Registry Act* as amended in 1972. The reduction in the sum secured by a charge will no longer be noted on the register. Cessations of charges in respect of part, but not necessarily all, of lands secured by a charge will continue to be noted.

SECTION 31. The amendments clarify that an executed copy of a lease must accompany an application to register notice of a lease and remove the requirement that certain registered notices be in a prescribed form.

SECTION 32. The provisions repealed provide for the issuance by the land registrar of certificates of ownership of freehold and leasehold land, certificates of charges and authenticated copies of registered leases.

SECTION 33. The provision repealed provided that the issuing of certificates referred to in sections 117, 119, 120 and 121 of the Act may be suspended by regulation. With the repeal of those sections, this provision is no longer necessary.

SECTION 34. The subsection now provides that a condition, restriction or covenant that is registered against title and has no fixed expiry date may be deleted after forty years upon application to the land registrar. The provision as recast deems the condition, etc., to have expired after forty years.

SECTION 35. The re-enactment of the subsection will make it unnecessary to register consents under *The Succession Duty Act* in respect of deaths before 1970.

SECTION 36.—Subsection 1. At present, the Act provides in section 143 (1) that where a caution is registered, an owner cannot deal with the land without giving notice to the cautioner. Section 144 (1) of the Act provides that the owner cannot deal with the land without the consent of the cautioner. The amendment makes section 143 (1) of the Act consistent with section 144 (1).

Subsection 2. This provision is substantially the same as section 145 (1) of the Act which will be repealed by section 38 of the Bill.

Subsection 3. The section now provides that a caution expires after five years unless renewed where the land registrar gives notice of the impending expiration. The effect of the repeals is to cause automatic expiry.

Subsection 4. This provision preserves, for one year, for persons with cautions already registered, the right to receive notice of expiry.

SECTION 37. The amendments are complementary to subsection 1 of section 36 of the Bill.

- 34.** Subsection 9 of section 129 of the said Act is repealed and the following substituted therefor: s. 129 (9),  
re-enacted

(9) Where a condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar. Condition,  
etc.,  
expires  
after  
40 years

- 35.** Subsection 2 of section 140 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 3, is repealed and the following substituted therefor: s. 140 (2),  
re-enacted

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1970 or after the 10th day of April, 1979. Saving

- 36.—**(1) Subsection 1 of section 143 of the said Act is amended by striking out “until notice has been served upon the cautioner in accordance with the rules” in the sixth and seventh lines and inserting in lieu thereof “without the consent of the cautioner”. s. 143 (1),  
amended

(2) The said section 143 is amended by adding thereto the following subsection: s. 143,  
amended

(1a) Where the registered owner of freehold or leasehold land or of a charge has executed a transfer or a charge of the land or a transfer of the charge but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without the consent of the registered owner, the land registrar may permit the registration of a caution by the registered owner. Caution  
by  
registered  
owner

(3) Subsections 4 and 5 of the said section 143 are repealed. s. 143 (4, 5),  
repealed

(4) Notwithstanding subsection 3, subsections 4 and 5 of section 143 of *The Land Titles Act* continue in force for one year from the day this section comes into force in respect of cautions registered before this section comes into force. Continuing  
effect of  
s. 143 (4, 5)  
R.S.O. 1970,  
c. 234

- 37.—**(1) Subsection 2 of section 144 of the said Act is repealed and the following substituted therefor: s. 144 (2),  
re-enacted

(2) The registered owner, or any other person having an interest in land or a charge against which a caution has been registered, may apply to the land registrar at any time for a notice to be served upon the cautioner warning him that his caution may cease to have effect unless the cautioner appears before the land Owner may  
apply for  
removal  
of caution

registrar at the time and place mentioned in the notice and satisfies him that the caution should not be deleted from the register.

s. 144 (4),  
re-enacted;  
s. 144 (5),  
repealed

- (2) Subsections 4 and 5 of the said section 144 are repealed and the following substituted therefor:

Where  
cautioner  
fails to  
satisfy land  
registrar

(4) If the cautioner fails to satisfy the land registrar that the caution should continue, the land registrar may order that the entry of the caution be deleted from the register, and, unless the order is appealed, the land registrar shall delete the entry of the caution from the register and thereupon the caution ceases.

s. 144 (6),  
amended

- (3) Subsection 6 of the said section 144 is amended by striking out "A notice to" in the first line and inserting in lieu thereof "The consent of" and by striking out "after notice to the cautioner," in the sixteenth line and inserting in lieu thereof "the consent of the cautioner is obtained".

s. 144 (7),  
re-enacted

- (4) Subsection 7 of the said section 144 is repealed and the following substituted therefor:

Dealing where  
caution  
against part  
of land

(7) Where a caution affects part only of the land dealt with by the transfer, charge or other instrument, the land registrar may, upon the application in writing of the person desiring registration or his solicitor, register the instrument as to the land not affected by the caution, and may subsequently, with the consent of the cautioner, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof.

s. 144 (8),  
re-enacted

- (5) Subsection 8 of the said section 144 is repealed and the following substituted therefor:

Withdrawal  
of caution

(8) A land registrar, upon receiving a withdrawal of caution in the prescribed form, may delete the caution referred to in the withdrawal from the register.

s. 145,  
repealed

- 38.** Section 145 of the said Act is repealed.

s. 146,  
repealed

- 39.** Section 146 of the said Act is repealed.

s. 160a,  
re-enacted

- 40.** Section 160a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30 and amended by 1973, chapter 39, section 1, is repealed and the following substituted therefor:

Compulsory  
registration  
1978, c. 84

160a.—(1) Except as provided by subsection 2, where land described in a description as defined in *The Condominium Act, 1978* or shown on a plan of subdivision is situate in a land titles

SECTION 38. The repeal eliminates a redundant subsection, being section 145 (2). Section 145 (1) of the Act is re-enacted as section 144 (2), with minor changes, in subsection 2 of section 36 of the Bill.

SECTION 39. The provision repealed deals with the taking of security by a land registrar from a person who has registered a caution. The provision is not relied upon by land registrars.

SECTION 40. Section 160*a* of the Act now provides that a plan of subdivision of land within a land titles division shall not be registered under *The Registry Act* except under certain conditions. The new provision retains this concept while also making the provision apply to condominium land. The provision in *The Condominium Act, 1978*, that currently covers this is being taken out of that Act and put in *The Registry Act* and *The Land Titles Act*.

The new aspect of the provision is the power to exempt the application of subsection 1 by regulation.

SECTION 41.—Subsection 1. The amendment removes the requirement that an Ontario land surveyor certify a plan of subdivision before it will be accepted for registration. The requirement is now in the regulations.

Subsection 2. The amendment allows seals to be affixed to plans deposited in the land titles system.

Subsection 3. The repealed subsections have been incorporated into the consolidated survey regulations under *The Registry Act* and deal with the mechanics of registering a plan.

SECTION 42. The provision repealed deals with the registration of judge's plans.

SECTION 43. The provision, as recast, removes the requirement that Ontario land surveyors certify plans. This requirement is now in the regulations.

SECTION 44. The effect of the re-enactment is to permit the requirement that a reference plan be a plan of survey to be governed by the regulations.

The effect of repealing subsection 4 of section 167 of the Act is to make it impossible to withdraw a reference plan once it has been deposited in a land registry office.

division, the description along with the appropriate declaration or the plan of subdivision, as the case may be, shall be registered under this Act.

(2) A plan of subdivision may be registered under *The Registry Act* where, Exception  
to subs. 1  
R.S.O. 1970,  
c. 409

- (a) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
- (b) the registration under this Act of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in the registration of the plan; or
- (c) a regulation made under subsection 3 applies to the land shown on the plan.

(3) The Lieutenant Governor in Council may make regulations designating such land titles divisions, or parts thereof, as are specified in the regulations as areas within which subsection 1 does not apply and such designation may be limited to a specified period or may expire on a specified date. Exception  
by regulation

**41.**—(1) Subsection 2 of section 161 of the said Act is amended by striking out “and certified by him in the prescribed form” in the fourth and fifth lines. s. 161 (2),  
amended

(2) Subsection 3 of the said section 161 is amended by striking out “but no seal shall be affixed thereto” in the second line. s. 161 (3),  
amended

(3) Subsections 4, 5 and 6 of the said section 161 are repealed. s. 161 (4-6),  
repealed

**42.** Section 162 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 162,  
repealed

**43.** Subsection 3 of section 164 of the said Act is repealed and the following substituted therefor: s. 164 (3),  
re-enacted

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated by an Ontario land surveyor upon a duplicate of the plan so registered. Subsequent  
severance

**44.** Subsections 1 and 4 of section 167 of the said Act are repealed and the following substituted therefor: s. 167 (1),  
re-enacted;  
s. 167 (4),  
repealed

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of the land prepared by an Ontario land Reference  
plan  
required  
in certain  
cases

surveyor, to be known as a reference plan, has been deposited for record in the land registry office.

s. 170,  
repealed

**45.** Section 170 of the said Act is repealed.

s. 172 (1),  
repealed

**46.** Subsection 1 of section 172 of the said Act is repealed.

s. 182 (c),  
re-enacted

**47.**—(1) Clause *c* of section 182 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed and the following substituted therefor:

(c) the mode in which any special register is to be made and kept;

(ca) the hours during which the land registry offices shall be kept open and the hours during which instruments shall be received for registration.

s. 182 (d),  
re-enacted

(2) Clause *d* of the said section 182, as amended by the Statutes of Ontario, 1972, chapter 132, section 35, is repealed and the following substituted therefor:

(d) the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration;

s. 182 (e),  
re-enacted

(3) Clause *e* of the said section 182 is repealed and the following substituted therefor:

(e) the custody, disposition and destruction of instruments and records of land registry offices;

(ea) the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles.

s. 182,  
amended

(4) The said section 182 is amended by adding thereto the following subsection:

Application  
of  
regulations

(2) The application of any provision of the regulations made under subsection 1 may be limited to one or more land titles divisions.

s. 184 (1),  
re-enacted

**48.**—(1) Subsection 1 of section 184 of the said Act is repealed and the following substituted therefor:

Custody of  
registered  
documents, etc.

(1) Every registered instrument and deposited or registered plan is the property of the Crown and, except as otherwise provided in the regulations, shall be retained in the custody of the land registrar in his office.

SECTION 45. The provision repealed provides that where a plan has been registered, every instrument affecting the land shown on the plan must conform and refer to the plan. This is now covered by regulation.

SECTION 46. The provision repealed provides that in some circumstances the registration of a plan is not binding. The repeal removes some element of uncertainty.

SECTION 47.—Subsection 1. Clause *c* is re-enacted to remove obsolete references. The new clause *ca* is complementary to section 13 of the Bill.

Subsection 2. The clause is re-enacted to remove a reference to an obsolete procedure.

Subsection 3. The recast provision rewords the current provision permitting the Lieutenant Governor in Council to pass regulations for the destruction of instruments and records kept in land registry offices. The added clause *ea* is complementary to section 7 of the Bill.

Subsection 4. Self-explanatory.

SECTION 48.—Subsection 1. The provision, as recast, permits destruction of instruments as provided in the regulations. Instruments are now put on microfilm. The provision also clarifies that instruments, etc., are the property of the Crown.

Subsection 2. Complementary to subsection 1.

Subsection 3. The provision being repealed provides for the destruction of certain instruments upon certain conditions being met. The effect of the repeal is to permit destruction as provided by the regulations.

SECTION 49. The provision prevents the limitation period for an offence under section 184*a* of the Act from running until the offence is discovered. Section 184*a* of the Act makes it an offence to alter records in or remove records from a land registry office unless authorized by law. The maximum penalty for altering records is being increased from \$1,000 to \$5,000.

SECTION 50. The provision, as recast, clarifies that an address for service must be provided when certain instruments are registered. It also provides for the registration of a notice of change of address.

The repealed subsections 2 and 3 dealt with the procedure for serving notice. This is now governed by *The Statutory Powers Procedure Act, 1971*.

- (2) Clause a of subsection 2 of the said section 184 is amended by striking out “registered” in the second line and inserting in lieu thereof “retained”. s. 184 (2) (a),  
amended

- (3) Subsection 3 of the said section 184 is repealed. s. 184 (3),  
repealed

- 49.**—(1) Section 184a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 36, is amended by striking out “\$1,000” in the twelfth line and inserting in lieu thereof “\$5,000”. s. 184a,  
amended

- (2) The said section 184a is further amended by adding thereto the following subsection: s. 184a,  
amended

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar. When  
limitation  
period  
starts to  
run

- 50.**—(1) Subsection 1, as amended by the Statutes of Ontario, 1972, chapter 132, section 37, and subsections 2 and 3 of section 185 of the said Act are repealed and the following substituted therefor: s. 185 (1, 2),  
re-enacted;  
s. 185 (3),  
repealed

- (1) A land registrar shall not register, Address for  
service to be  
endorsed on  
certain  
instruments
- (a) a transfer;
  - (b) a notice of an agreement of purchase and sale of land or an assignment thereof;
  - (c) a notice of an option for the purchase of land or an assignment thereof;
  - (d) a charge or a transfer thereof;
  - (e) a notice of a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor's interest in a lease or any assignment thereof;
  - (f) a claim for a mechanics' lien or an assignment thereof;
  - (g) a notice of security interest under *The Personal Property Security Act* or an assignment thereof; R.S.O. 1970,  
c. 344
  - (h) a certificate of judgment or a final order of foreclosure of a mortgage;
  - (i) a vesting order;

1978, c. 84

(j) a notice of lien under section 32 of *The Condominium Act, 1978*;

(k) an application to be registered as owner of land or of a charge; or

(l) a caution,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Idem

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

Act,  
amended

**51.** The said Act and the regulations thereunder are amended by striking out “master of titles” and “proper master of titles” wherever they occur and substituting therefor in each instance “land registrar”.

Saving  
provision

**52.** No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument or plan that was registered before the provision came into force.

Amendment to  
reference to  
master of  
titles

**53.** A reference in any Act or regulation to a master of titles shall be deemed to be a reference to a land registrar.

Commence-  
ment

**54.—**(1) This Act, except sections 2, 3, 4, 8, 11, 13, 40 and 50, comes into force on the 1st day of January, 1980.

Idem

(2) Sections 2, 3, 4, 8, 11, 13, 40 and 50 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**55.** The short title of this Act is *The Land Titles Amendment Act, 1979*.

SECTION 51. This is complementary to section 1 of the Bill.

SECTION 52. Self-explanatory.

SECTION 53. Complementary to section 1 of the Bill.





An Act to amend The Land Titles Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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*(Reprinted as amended by the  
Committee of the Whole House)*

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BILL 149

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Land Titles Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





BILL 149

1979

## An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*b*),  
re-enacted

(*b*) “land registrar” means a land registrar appointed under section 5;

- (2) Clause *ca* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 132, section 1, is repealed. s. 1 (*ca*),  
repealed

- (3) Clause *d* of the said section 1 is repealed. s. 1 (*d*),  
repealed

- (4) Clause *j* of the said section 1 is repealed and the following substituted therefor: s. 1 (*j*),  
re-enacted

(*j*) “regulations” means the regulations made under this Act and section 103 of *The Registry Act*. R.S.O. 1970,  
c. 409

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 2, is repealed and the following substituted therefor: s. 3,  
re-enacted

3.—(1) This Act applies to such parts of the Province as are designated by regulation. Application  
of Act

- (2) The Lieutenant Governor in Council may by regulation, Regulations

(*a*) designate the parts of the Province to which this Act applies;

(*b*) describe the land titles divisions; and

(c) provide for the location of offices for the land titles system.

s. 5,  
amended

3. Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4, is amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

(2) There shall be at least one deputy land registrar for every land titles division, and, where there is more than one deputy land registrar for a land titles division, one of the deputies shall be designated as the senior deputy land registrar.

Appointments  
under  
R.S.O. 1970,  
c. 386

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*.

s. 8,  
repealed

4. Section 8 of the said Act is repealed.

s. 9,  
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Recording  
in fee and  
receiving  
book

9. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director of Land Registration.

s. 11,  
re-enacted

- 6.—(1) Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 6, is repealed and the following substituted therefor:

Director  
of Titles

11.—(1) The Lieutenant Governor in Council may appoint a person who is a barrister and solicitor to be the Director of Titles.

Deputy  
Directors of  
Titles

(2) The Director of Titles may appoint one or more persons each of whom is a barrister and solicitor to be a Deputy Director of Titles.

Senior  
Deputy  
Director

(3) Where the Director of Titles has appointed more than one deputy under this section, he shall designate one of the deputies as the Senior Deputy Director of Titles.

Powers  
and duties

(4) A Deputy Director of Titles appointed under this section has and may exercise such powers and perform such duties of the Director of Titles under this or any other Act as are required by the Director of Titles.

(5) Where the office of Director of Titles becomes vacant, Idem

(a) the Deputy Director of Titles; or

(b) if there is more than one Deputy Director of Titles,  
the Senior Deputy Director of Titles,

may exercise the powers and shall perform the duties of the  
Director of Titles until a Director of Titles is appointed.

(2) The person who holds the appointment under subsection 1 of section 11 of *The Land Titles Act* before subsection 1 of this section comes into force continues to hold that appointment upon the coming into force of this section. Appointment continued  
R.S.O. 1970,  
c. 234

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 7, is further amended by adding thereto the following subsection: s. 12.  
amended

(8) The Director of Titles shall perform such of the functions of a land registrar relating to the first registration of land under this Act as are prescribed. First  
registration

8. Subsections 1 and 2 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, are repealed. s. 14 (1, 2),  
repealed

9. Subsection 4 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, is amended by striking out “with the approval of the Director of Land Registration” in the first and second lines. s. 15 (4),  
amended

10. The said Act, is amended by adding thereto the following section: s. 16,  
enacted

16. The Director of Titles may appoint one or more persons each of whom is an Ontario land surveyor to be a Deputy Director of Titles for purposes of exercising the powers and performing the duties of the Director of Titles under *The Boundaries Act*. Deputy  
Directors of  
Titles for  
R.S.O. 1970  
c. 48

11. Sections 17 and 18 of the said Act are repealed and the following substituted therefor: s. 17.  
re-enacted  
s. 18,  
repealed

17. Every land registrar, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration. Oath of  
office

12. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19,  
amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Liability  
of Crown  
R.S.O. 1970,  
c. 365

Crown of liability in respect of a tort committed by a person referred to in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

s. 21 (2),  
re-enacted

- 13.** Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Office  
hours

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed.

s. 29,  
re-enacted

- 14.** Section 29 of the said Act is repealed and the following substituted therefor:

Right to  
appeal

29.—(1) Where a hearing has been held under this Act, the decision or order of the Director of Land Registration, Director of Titles or of the land registrar may be appealed to a judge of the county or district court of the county or judicial district in which the land to which the decision or order relates is situate or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*.

Appeal to  
Divisional  
Court

(2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Supreme Court.

s. 34 (4,5),  
repealed

- 15.** Subsections 4 and 5 of section 34 of the said Act are repealed.

s. 35 (1),  
re-enacted

- 16.** Subsection 1 of section 35 of the said Act is repealed and the following substituted therefor:

Registration  
of Crown  
grant  
R.S.O. 1970,  
c. 380

(1) A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 36,  
re-enacted

- 17.** Section 36 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 11, is repealed and the following substituted therefor:

Registration  
of  
federal  
patentees

36. Where land patented by the Government of Canada has not been registered under this Act or *The Registry Act* and the patentee applies for registration within five years after the date of the patent, the land registrar has authority to register the patentee as owner of the land without submitting his finding upon the application to the Director of Titles for his concurrence.

s. 38,  
repealed

- 18.** Section 38 of the said Act is repealed.

- 19.** Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 13 and 1978, chapter 7, section 1, is further amended by adding thereto the following subsection:

s. 51,  
amended

(3a) An application under section 33 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*.

Application  
under s. 33  
deemed action  
for recovery  
of land  
R.S.O. 1970,  
c. 246

- 20.**—(1) Subsections 2, 3 and 4 of section 61 of the said Act are repealed and the following substituted therefor:

s. 61 (2, 3),  
re-enacted;  
s. 61 (4),  
repealed

(2) Where the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it from the Consolidated Revenue Fund of an amount fixed by the Lieutenant Governor in Council.

Idem

(3) Money paid under subsection 2 shall be paid into the Supreme Court.

Money paid  
into  
court

- (2) Subsection 5 of the said section 61 is amended by striking out “subsection 4” in the second line and inserting in lieu thereof “subsection 2”.

s. 61 (5),  
amended

- 21.**—(1) Section 64 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 16, is further amended by adding thereto the following subsection:

s. 64,  
amended

(1a) A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing at the time the land is brought under this Act unless that interest is registered against the title to the land under *The Registry Act* or notice of it is given to the land registrar before the first registration under this Act of a person as owner of the land.

Where no  
compensation

R.S.O. 1970,  
c. 409

- (2) Subsection 4 and subsection 4a, as enacted by the Statutes of Ontario, 1972, chapter 132, section 16, and subsections 5, 6, 7, 8, 9 and 10 of the said section 64 are repealed and the following substituted therefor:

s. 64 (4-10),  
re-enacted

(4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the Director of Titles.

Application  
for com-  
pensation  
from  
Assurance  
Fund

(5) Except where he determines the claim be paid in full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.

Hearing

(6) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Director

How com-  
pensation  
to be  
determined

of Titles, and the costs of the proceedings are in the discretion of the Director of Titles.

Claimant  
to be  
notified

(7) The Director of Titles shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Appeal

(8) Where the Director of Titles determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director of Titles notice of his intention to appeal under section 29, and the Director of Titles shall not certify under subsection 9 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of  
Assurance  
Fund

(9) Subject to subsection 8, the Director of Titles shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Director of Titles' certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

How  
Assurance  
Fund to be  
recouped

(10) Any sum paid out of the Assurance Fund may afterwards, for the benefit of the Assurance Fund, be recovered by action in the name of the Director of Titles from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error or from his estate, and the Director of Titles' certificate of the payment out of the Assurance Fund is sufficient proof of the debt.

Rectification  
of register

(11) Where a registered disposition would be absolutely void if unregistered or where the effect of the error would be to deprive a person of land of which he is in possession or in receipt of the rents and profits, the Director of Titles may, in the first instance or after a reference to the court, direct the rectification of the register and, in the case of rectification, the person suffering by the rectification is entitled to the compensation provided for by this section.

Action by  
Director of  
Land  
Registration  
R.S.O. 1970,  
c. 234

(3) Any action commenced in the name of the Director of Land Registration under subsection 9 of section 64 of *The Land Titles Act* before this section comes into force may be continued in the name of the Director of Titles.

s. 66 (1) (b)  
amended

**22.** Clause *b* of subsection 1 of section 66 of the said Act is amended by striking out "appear" in the fifth line and inserting in lieu thereof "act".

**23.** Subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2),  
re-enacted

(2) Where the extent of a co-owner's interest is not shown on the register, he may, Rights of  
part owner

(a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, if the land registrar is satisfied, by an affidavit of all co-owners setting out the percentage or fractional interest that belongs to the transferor or chargor, that the transferor or chargor has a sufficient interest to transfer or charge such share; or

(b) transfer or charge all of his unspecified share.

**24.—**(1) Subsection 1 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (1)  
re-enacted

(1) Where registered land or an interest therein is acquired by trustees under *The Religious Organizations' Lands Act, 1979*, it shall be registered in the name of the religious organization without setting out the purposes or trusts on which the land or interest is held. Registration of  
trustees under  
1979, c. 45

(2) The said section 71, as amended by the Statutes of Ontario, 1972, chapter 132, section 17, is further amended by adding thereto the following subsection: s. 71,  
amended

(4) A transfer or cessation of a charge made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the transfer or cessation. Idem

**25.** The said Act is amended by adding thereto the following section: s. 74a,  
enacted

74a. Subject to section 71, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by his surname and by at least one given name in full. Description  
of  
registered  
owner

**26.** Subsection 3 of section 79 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 19, is repealed and the following substituted therefor: s. 79 (3),  
re-enacted

(3) Subject to the regulations, the Trans-Canada Pipe Line register established under clause c of section 182 shall be deemed, Trans-Canada  
Pipe Line  
register

for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by TransCanada PipeLines Limited.

s. 89a,  
enacted

- 27.** The said Act is further amended by adding thereto the following section:

Prohibitions  
on taking  
affidavits

89a. No person authorized to take affidavits shall take an affidavit,

(a) as to the execution of an instrument to which he is a party; or

(b) as to the execution of an instrument unless the witness has subscribed on the instrument his name in his handwriting as witness.

s. 97,  
repealed

- 28.** Section 97 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 22, is repealed.

s. 98 (2),  
re-enacted

- 29.—**(1) Subsection 2 of section 98 of the said Act is repealed and the following substituted therefor:

What charge  
shall  
contain

(2) A charge that secures the payment of money shall contain the amount of the principal sum that the charge secures, the rate of interest and the periods of payment including the due date.

s. 98 (7),  
repealed

(2) Subsection 7 of the said section 98 is repealed.

s. 106 (3),  
re-enacted

- 30.** Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor:

Partial  
cessation  
of charge

(3) On the requisition or certificate of the registered owner of a registered charge or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom, the land registrar may note on the register the discharge of such land from the charge, and thereupon the charge ceases as to the land discharged.

s. 115 (4),  
amended

- 31.—**(1) Subsection 4 of section 115 of the said Act is amended by striking out "a copy" in the second line and inserting in lieu thereof "an executed copy".

s. 115 (7),  
amended

(2) Subsection 7 of the said section 115 is amended by striking out "in the prescribed form" in the eighth line.

ss. 117, 121,  
repealed

- 32.** Sections 117, 118, 119, 120 and 121 of the said Act are repealed.

s. 121a,  
repealed

- 33.** Section 121a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 25, is repealed.

- 34.** Subsection 9 of section 129 of the said Act is repealed and the following substituted therefor: s. 129 (9),  
re-enacted
- (9) Where a condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar. Condition,  
etc.,  
expires  
after  
40 years
- 35.** Subsection 2 of section 140 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 3, is repealed and the following substituted therefor: s. 140 (2),  
re-enacted
- (2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1970 or after the 10th day of April, 1979. Saving
- 36.**—(1) Subsection 1 of section 143 of the said Act is amended by striking out “until notice has been served upon the cautioner in accordance with the rules” in the sixth and seventh lines and inserting in lieu thereof “without the consent of the cautioner”. s. 143 (1),  
amended
- (2) The said section 143 is amended by adding thereto the following subsection: s. 143,  
amended
- (1a) Where the registered owner of freehold or leasehold land or of a charge has executed a transfer or a charge of the land or a transfer of the charge but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without the consent of the registered owner, the land registrar may permit the registration of a caution by the registered owner. Caution  
by  
registered  
owner
- (3) Subsections 4 and 5 of the said section 143 are repealed. s. 143 (4, 5),  
repealed
- (4) Notwithstanding subsection 3, subsections 4 and 5 of section 143 of *The Land Titles Act* continue in force for one year from the day this section comes into force in respect of cautions registered before this section comes into force. Continuing  
effect of  
s. 143 (4, 5)  
R.S.O. 1970,  
c. 234
- 37.**—(1) Subsection 2 of section 144 of the said Act is repealed and the following substituted therefor: s. 144 (2),  
re-enacted
- (2) The registered owner, or any other person having an interest in land or a charge against which a caution has been registered, may apply to the land registrar at any time for a notice to be served upon the cautioner warning him that his caution may cease to have effect unless the cautioner appears before the land Owner may  
apply for  
removal  
of caution

registrar at the time and place mentioned in the notice and satisfies him that the caution should not be deleted from the register.

s. 144 (4),  
re-enacted;  
s. 144 (5),  
repealed

- (2) Subsections 4 and 5 of the said section 144 are repealed and the following substituted therefor:

Where  
cautioner  
fails to  
satisfy land  
registrar

(4) If the cautioner fails to satisfy the land registrar that the caution should continue, the land registrar may order that the entry of the caution be deleted from the register, and, unless the order is appealed, the land registrar shall delete the entry of the caution from the register and thereupon the caution ceases.

s. 144 (6),  
amended

- (3) Subsection 6 of the said section 144 is amended by striking out "A notice to" in the first line and inserting in lieu thereof "The consent of" and by striking out "after notice to the cautioner," in the sixteenth line and inserting in lieu thereof "the consent of the cautioner is obtained".

s. 144 (7),  
re-enacted

- (4) Subsection 7 of the said section 144 is repealed and the following substituted therefor:

Dealing where  
caution  
against part  
of land

(7) Where a caution affects part only of the land dealt with by the transfer, charge or other instrument, the land registrar may, upon the application in writing of the person desiring registration or his solicitor, register the instrument as to the land not affected by the caution, and may subsequently, with the consent of the cautioner, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof.

s. 144 (8),  
re-enacted

- (5) Subsection 8 of the said section 144 is repealed and the following substituted therefor:

Withdrawal  
of caution

(8) A land registrar, upon receiving a withdrawal of caution in the prescribed form, may delete the caution referred to in the withdrawal from the register.

s. 145,  
repealed

- 38.** Section 145 of the said Act is repealed.

s. 146,  
repealed

- 39.** Section 146 of the said Act is repealed.

s. 160a,  
re-enacted

- 40.** Section 160a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30 and amended by 1973, chapter 39, section 1, is repealed and the following substituted therefor:

Compulsory  
registration  
1978, c. 84

160a.—(1) Except as provided by subsection 2, where land described in a description as defined in *The Condominium Act*, 1978 or shown on a plan of subdivision is situate in a land titles

division, the description along with the appropriate declaration or the plan of subdivision, as the case may be, shall be registered under this Act.

(2) A plan of subdivision may be registered under *The Registry Act* where, Exception to subs. 1  
R.S.O. 1970,  
c. 409

(a) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;

(b) the registration under this Act of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in the registration of the plan; or

(c) a regulation made under subsection 3 applies to the land shown on the plan.

(3) The Lieutenant Governor in Council may make regulations designating such land titles divisions, or parts thereof, as are specified in the regulations as areas within which subsection 1 does not apply and such designation may be limited to a specified period or may expire on a specified date. Exception by regulation

**41.**—(1) Subsection 2 of section 161 of the said Act is amended by striking out “and certified by him in the prescribed form” in the fourth and fifth lines. s. 161 (2),  
amended

(2) Subsection 3 of the said section 161 is amended by striking out “but no seal shall be affixed thereto” in the second line. s. 161 (3),  
amended

(3) Subsections 4, 5 and 6 of the said section 161 are repealed. s. 161 (4-6),  
repealed

**42.** Section 162 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 162,  
repealed

**43.** Subsection 3 of section 164 of the said Act is repealed and the following substituted therefor: s. 164 (3),  
re-enacted

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated by an Ontario land surveyor upon a duplicate of the plan so registered. Subsequent  
severance

**44.** Subsections 1 and 4 of section 167 of the said Act are repealed and the following substituted therefor: s. 167 (1),  
re-enacted;  
s. 167 (4),  
repealed

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of the land prepared by an Ontario land Reference  
plan  
required  
in certain  
cases

surveyor, to be known as a reference plan, has been deposited for record in the land registry office.

s. 170.  
repealed

**45.** Section 170 of the said Act is repealed.

s. 172 (1).  
repealed

**46.** Subsection 1 of section 172 of the said Act is repealed.

s. 182 (c).  
re-enacted

**47.**—(1) Clause *c* of section 182 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed and the following substituted therefor:

(c) the mode in which any special register is to be made and kept;

(ca) the hours during which the land registry offices shall be kept open and the hours during which instruments shall be received for registration.

s. 182 (d).  
re-enacted

(2) Clause *d* of the said section 182, as amended by the Statutes of Ontario, 1972, chapter 132, section 35, is repealed and the following substituted therefor:

(d) the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration;

s. 182 (e).  
re-enacted

(3) Clause *e* of the said section 182 is repealed and the following substituted therefor:

(e) the custody, disposition and destruction of instruments and records of land registry offices;

(ea) the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles.

s. 182.  
amended

(4) The said section 182 is amended by adding thereto the following subsection:

Application  
of  
regulations

(2) The application of any provision of the regulations made under subsection 1 may be limited to one or more land titles divisions.

s. 184 (1).  
re-enacted

**48.**—(1) Subsection 1 of section 184 of the said Act is repealed and the following substituted therefor:

Custody of  
registered  
documents, etc.

(1) Every registered instrument and deposited or registered plan is the property of the Crown and, except as otherwise provided in the regulations, shall be retained in the custody of the land registrar in his office.

- (2) Clause *a* of subsection 2 of the said section 184 is amended by striking out “registered” in the second line and inserting in lieu thereof “retained”. s. 184 (2) (a),  
amended

- (3) Subsection 3 of the said section 184 is repealed. s. 184 (3),  
repealed

- 49.**—(1) Section 184*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 36, is amended by striking out “\$1,000” in the twelfth line and inserting in lieu thereof “\$5,000”. s. 184*a*,  
amended

- (2) The said section 184*a* is further amended by adding thereto the following subsection: s. 184*a*,  
amended

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar. When  
limitation  
period  
starts to  
run

- 50.**—(1) Subsection 1, as amended by the Statutes of Ontario, 1972, chapter 132, section 37, and subsections 2 and 3 of section 185 of the said Act are repealed and the following substituted therefor: s. 185 (1, 2),  
re-enacted;  
s. 185 (3),  
repealed

- (1) A land registrar shall not register, Address for  
service to be  
endorsed on  
certain  
instruments
- (a) a transfer;
  - (b) a notice of an agreement of purchase and sale of land or an assignment thereof;
  - (c) a notice of an option for the purchase of land or an assignment thereof;
  - (d) a charge or a transfer thereof;
  - (e) a notice of a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor’s interest in a lease or any assignment thereof;
  - (f) a claim for a mechanics’ lien or an assignment thereof;
  - (g) a notice of security interest under *The Personal Property Security Act* or an assignment thereof; R.S.O. 1970,  
c. 344
  - (h) a certificate of judgment or a final order of foreclosure of a mortgage;
  - (i) a vesting order;

1978, c. 84

(j) a notice of lien under section 32 of *The Condominium Act, 1978*;

(k) an application to be registered as owner of land or of a charge; or

(l) a caution,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Idem

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

Act,  
amended

**51.** The said Act and the regulations thereunder are amended by striking out “master of titles” and “proper master of titles” wherever they occur and substituting therefor in each instance “land registrar”.

Saving  
provision

**52.** No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument or plan that was registered before the provision came into force.

Amendment to  
reference to  
master of  
titles

**53.** A reference in any Act or regulation to a master of titles shall be deemed to be a reference to a land registrar.

Commence-  
ment

**54.—**(1) This Act, except sections 2, 3, 4, 8, 11, 13, 40 and 50, comes into force on the 1st day of January, 1980.

Idem

(2) Sections 2, 3, 4, 8, 11, 13, 40 and 50 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**55.** The short title of this Act is *The Land Titles Amendment Act, 1979*.







## BILL 149

An Act to amend The Land Titles Act

### *1st Reading*

October 18th, 1979

### *2nd Reading*

November 29th, 1979

### *3rd Reading*

December 6th, 1979

THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

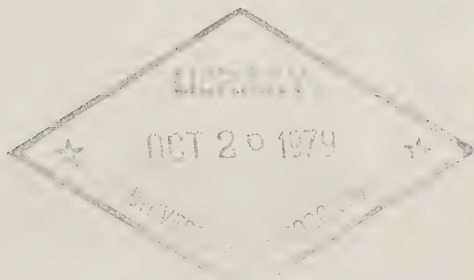
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend The Registry Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. Cross references are being made to the examiner of surveys and Director of Titles appointed under *The Land Titles Act*. Reference to “certification area” is being removed from *The Certification of Titles Act* and put into this Act where it is more appropriate.

Subsection 2. The clause being amended defines “instrument”. The addition of “title to” is a technical change for clarification. The documents being deleted from the definition do not affect title to land.

Subsection 3. The reference to “registrar” is being removed since the registrar is, in fact, the land registrar. The new clause *da* is consistent with this.

SECTION 2. The amendment removes the references to Ottawa and London. The land registry offices for the registry divisions of Carleton and Middlesex East are still located in Ottawa and London but these cities are now within the respective registry divisions.

BILL 150

1979

## An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, 1972, chapter 133, section 1 and 1978, chapter 8, section 1, is further amended by adding thereto the following clauses:

(aa) “certification area” means an area of land designated as such by regulation;

. . . . .

(ba) “Director of Titles” means the Director of Titles appointed under section 11 of *The Land Titles Act*; R.S.O. 1970, c. 234

(bb) “examiner of surveys” means the examiner of surveys appointed under section 15 of *The Land Titles Act*;

. . . . .

(da) “land registrar” means a land registrar appointed under section 8.

- (2) Clause *c* of the said section 1 is amended by inserting after “whereby” in the first line “title to”, by striking out “notice of sale by a mortgagee” in the seventh line and by striking out “bond” in the ninth line.

- (3) Clause *la* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 133, section 1, is repealed.

2. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 3, is repealed and the following substituted therefor:

Idem

(2) Notwithstanding subsection 1, the land registry office for the registry division of Toronto Boroughs and York South may continue to be located in Toronto.

s. 7,  
re-enacted

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 4, is repealed and the following substituted therefor:

Deputy  
Directors

7.—(1) The Director of Land Registration may appoint one or more Deputy Directors of Land Registration.

Senior  
Deputy  
Director  
of Land  
Registration

(2) Where the Director of Land Registration has more than one deputy, he shall designate one of the deputies as the Senior Deputy Director of Land Registration.

Powers and  
duties

(3) A Deputy Director of Land Registration has and may exercise such powers and perform such duties of the Director of Land Registration under this or any other Act as are required by the Director of Land Registration.

Director of  
Titles

(4) In addition to Deputy Directors of Land Registration appointed under subsection 1, the Director of Titles appointed under *The Land Titles Act* is, *ex officio*, a Deputy Director of Land Registration for the purposes of exercising the powers and performing the duties of a Deputy Director of Land Registration under this Act.

Powers and  
duties

(5) Where the office of Director of Land Registration becomes vacant,

(a) the Deputy Director of Land Registration; or

(b) if there is more than one Deputy Director of Land Registration, the Senior Deputy Director of Land Registration,

may exercise the powers and shall perform the duties of the Director of Land Registration until a Director of Land Registration is appointed.

s. 8,  
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 5, is further amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

(2) There shall be at least one deputy land registrar for every registry division, and, where there is more than one deputy land registrar for a registry division, one of the deputies shall be designated as the senior deputy land registrar.

SECTION 3. The Act now provides for the appointment of one Assistant Director of Land Registration. The new provision provides for the appointment of several Deputy Directors, one of whom may be the Senior Deputy.

SECTION 4. The effect of the new provision is to eliminate the requirement that deputies be appointed by the land registrar. The deputies are appointed under *The Public Service Act*. The requirement for a deputy land registrar is new. Currently, the appointment of a deputy is permissive.

SECTION 5. The repeals are complementary to section 4 of the Bill. The provisions repealed are included in the new section 8 of the Act.

SECTION 6. Section 11 of the Act requiring the taking of an oath is covered by *The Public Service Act* except in respect of land registrars. The new provision reflects this.

Section 12 of the Act deals with possible conflict of interest and is also covered by *The Public Service Act*.

SECTION 7. The amendment permits land registry office hours and registration hours to be prescribed by regulation.

SECTION 8.—Subsection 1. The amendment provides for the registration of certificates of continuance.

Subsection 2. The amendment provides for the registration of certified copies in lieu of notarial copies of a number of instruments that are received for registration as general registrations.

SECTION 9. Self-explanatory.

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*. Appointments under R.S.O. 1970, c. 386

5. Subsections 1 and 2 of section 10 of the said Act are repealed. s. 10 (1, 2), repealed

6. Sections 11 and 12 of the said Act are repealed and the following substituted therefor: s. 11, re-enacted  
s. 12, repealed

11. Every land registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. Oath of office, land registrar

7. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed. Office hours

8.—(1) Paragraph 12 of subsection 6 of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (6), par. 12, re-enacted

12. Notarial copies of,

- i. letters patent or certificates of incorporation,
- ii. supplementary letters patent or certificates, or
- iii. certificates of continuance.

(2) The said section 18, as amended by the Statutes of Ontario, 1972, chapter 133, section 9, is further amended by adding thereto the following subsection: s. 18, amended

(6a) Where, under subsection 6, a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. Idem

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 10, is further amended by adding thereto the following subsection: s. 19, amended

(7) Where a plan is copied under subsection 2, and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. Effect of certified copy of plan

s. 22 (6),  
re-enacted

- 10.**—(1) Subsection 6 of section 22 of the said Act is repealed and the following substituted therefor:

Notice of  
unregistered  
interest

(6) An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.

s. 22 (7),  
amended

- (2) Subsection 7 of the said section 22 is amended by striking out “or” at the end of clause *e* and by adding thereto the following clauses:

(g) an agreement to lease; or

(h) an option to lease.

s. 25 (1),  
amended

- 11.**—(1) Subsection 1 of section 25 of the said Act is amended by striking out “including a guarantor or surety” in the fourth line.

s. 25 (2) (*d*),  
amended

- (2) Clause *d* of subsection 2 of the said section 25 is amended by inserting after “by” in the first line “a Minister or”.

s. 25 (2) (*l*),  
amended

- (3) Clause *l* of subsection 2 of the said section 25 is amended by striking out “sworn” in the first line and inserting in lieu thereof “certified”.

s. 25 (2),  
amended

- (4) Subsection 2 of the said section 25 is amended by adding thereto the following clauses:

(q) a notice of a security interest or certificate of discharge under *The Personal Property Security Act*;

(r) the execution of an instrument by a guarantor or surety.

R.S.O. 1970,  
c. 344

s. 25 (3),  
re-enacted

- (5) Subsection 3 of the said section 25 is repealed and the following substituted therefor:

Regulations

(3) The Lieutenant Governor in Council may, by regulation, designate classes of instruments, in addition to those set out in subsection 2, to which subsection 1 does not apply.

s. 27 (2),  
re-enacted

- 12.** Subsection 2 of section 27 of the said Act is repealed and the following substituted therefor:

Affidavits,  
etc., made  
outside  
Ontario  
R.S.O. 1970,  
c. 15

(2) An affidavit, affirmation or declaration that complies with section 45 or 46 of *The Evidence Act* is sufficiently sworn, affirmed or made for the purposes of this Act.

s. 34 (*a*),  
re-enacted

- 13.**—(1) Clause *a* of section 34 of the said Act is repealed and the following substituted therefor:

SECTION 10.—Subsection 1. The amendment clarifies the subsection.

Subsection 2. The amendment allows the registration of a notice of an agreement to lease and of an option to lease.

SECTION 11.—Subsection 1. Subsection 1 of section 25 of the Act provides that instruments presented for registration shall have an affidavit by a subscribing witness. The amendment removes this requirement in respect of an instrument executed by a guarantor or surety.

Subsection 2. The amendment clarifies the section.

Subsection 3. The amendment repeals the obsolete reference to “sworn” copies.

Subsection 4. The amendment is complementary to subsection 1.

Subsection 5. The new subsection 3 of section 25 allows the Lieutenant Governor in Council to make regulations setting out further classes of instruments that do not require affidavits of subscribing witnesses.

The repeal of the provision will allow for the inclusion of affidavits of witnesses to be part of a plan document instead of being attached to plans of subdivision. This is complementary to subsection 2 of section 27 of the Bill.

SECTION 12. The re-enacted provision clarifies the law in respect of persons outside Ontario taking affidavits for the purpose of registration under the registry system.

SECTION 13.—Subsection 1. The re-enactment is of a housekeeping nature.

Subsection 2. The repealed clause is obsolete since *The Personal Property Security Act* is now based on a notice filing system. The provision repealed allows the registration of certified copies of conditional sale contracts. This provision is no longer used.

SECTION 14. The amendment clarifies the instruments requiring an address for service endorsed thereon and provides for the registration of a notice indicating a change in an address for service.

- (a) a copy of an instrument certified under the hand and seal of the land registrar in whose office the instrument is registered.

- (2) The said section 34, as amended by the Statutes of Ontario, 1972, chapter 133, section 13, is further amended by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 34,  
amended

- 14.** Section 37 of the said Act is repealed and the following substituted therefor: s. 37,  
re-enacted

- 37.—(1) A land registrar shall not register, Address for  
service  
to be  
endorsed on  
certain  
instruments
- (a) a deed or other conveyance;
  - (b) an agreement of purchase and sale of land or an assignment thereof;
  - (c) an option for the purchase of land or an assignment thereof;
  - (d) a notice mentioned in subsection 8 of section 22;
  - (e) a mortgage or assignment thereof;
  - (f) a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor’s interest in the lease or any assignment thereof;
  - (g) a notice mentioned in clause *a*, *b*, *c*, *d*, *e*, *g* or *h* of subsection 7 of section 22;
  - (h) a claim for a mechanics’ lien or an assignment thereof;
  - (i) a notice of security interest under *The Personal Property Security Act* or an assignment thereof; R.S.O. 1970,  
c. 344
  - (j) a certificate of judgment or a final order of foreclosure of a mortgage;
  - (k) a vesting order; or
  - (l) a notice of lien under section 32 of *The Condominium Act, 1978*, 1978, c. 84

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

- (2) An address for service provided under this section may be changed by registering a notice in the prescribed form. Change of  
address

s. 42 (1),  
re-enacted

- 15.—**(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 and 1972, chapter 133, section 16, is repealed and the following substituted therefor:

Affidavit  
as to age

(1) Subject to subsection 2, a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release, quit claim or discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, deposing that each person, other than a corporation, making the instrument was of the full age of eighteen years at the time of execution of the instrument.

s. 42 (2),  
re-enacted

- (2) Subsection 2 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 is repealed and the following substituted therefor:

Idem

(2) Where an instrument referred to in subsection 1 is executed on behalf of a person under a power of attorney, the affidavit in respect of age referred to in subsection 1 shall be made by the attorney deposing that the person was of the full age of eighteen years at the time of execution of the power of attorney.

Exemption  
from  
subs. 2

(2a) Subsection 2 does not apply to an attorney executing an instrument on behalf of,

(a) a corporation;

(b) a married woman solely for the purpose of barring her dower; or

(c) a spouse who, not as an owner and party, consents to or joins in the instrument for the purposes of section 42 of *The Family Law Reform Act, 1978*.

1978, c. 2

s. 42 (4),  
re-enacted

- (3) Subsection 4 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28, is repealed and the following substituted therefor:

Interpreta-  
tion

(4) For the purposes of subsections 2a, 5, 6 and 9, "spouse" means "spouse" as defined in clause f of section 1 of *The Family Law Reform Act, 1978*.

s. 42 (4a),  
repealed

- (4) Subsection 4a of the said section 42, as enacted by the Statutes of Ontario, 1978, chapter 8, section 2, is repealed.

s. 42 (9),  
amended

- (5) Subsection 9 of the said section 42, as amended by the Statutes of Ontario, 1978, chapter 8, section 2, is further amended by

SECTION 15. The amendment clarifies which instruments require an affidavit of legal age on registration.

SECTION 16. Section 43 of the Act is repealed to eliminate the requirement for mortmain affidavits.

SECTION 17. The amendment clarifies section 43a of the Act.

SECTION 18. This new subsection requires affidavit evidence that the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) who have executed an assignment or discharge of mortgage, is or are authorized to do so.

SECTION 19. The effect of the amendment is to provide that the instruments that will not need to be microfilmed shall be determined by regulation.

SECTION 20. Section 48 of the Act provides for the registration of letters patent, etc., by registering a true copy. The repeal of this section is complementary to the amendment in section 8 of the Bill which provides for registration by registering a notarial or certified copy.

The re-enactment clarifies that Crown grants received under section 40 of *The Public Lands Act* must meet the registration requirements of *The Registry Act*.

striking out “or” at the end of clause *b*, by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a person executing a mortgage as guarantor or surety.

**16.** Section 43 of the said Act is repealed.

s. 43,  
repealed

**17.** Section 43*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 17, is repealed and the following substituted therefor:

s. 43*a*,  
re-enacted

43*a*. Where compliance with section 29 of *The Planning Act* is not apparent on an instrument, the instrument shall not be registered unless,

Proof of  
compliance  
with  
R.S.O. 1970,  
c. 349, s. 29

(*a*) a consent under section 29 of *The Planning Act* in respect of the instrument is attached thereto, endorsed thereon or registered in the same land registry office and the date of registration and registration number thereof are indicated in the instrument tendered for registration;

(*b*) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the parties or by his solicitor, is attached thereto; or

(*c*) the land registrar is satisfied that section 29 of *The Planning Act* does not apply to the instrument.

**18.** Section 44 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 18, is further amended by adding thereto the following subsection:

s. 44,  
amended

(3*a*) An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge.

Idem

**19.** Clause *b* of subsection 1 of section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 19, is repealed and the following substituted therefor:

s. 46 (1) (*b*),  
re-enacted

(*b*) shall cause it to be recorded in the proper index or indexes and except as provided by the regulations, shall cause it to be recorded on photographic film.

**20.** Sections 47 and 48 of the said Act are repealed and the following substituted therefor:

s. 47,  
re-enacted;  
s. 48, repealed

Crown  
grants  
R.S.O. 1970,  
c. 380

47. A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 50 (1) (b, c),  
re-enacted

**21.**—(1) Clauses *b* and *c* of subsection 1 of section 50 of the said Act are repealed and the following substituted therefor:

- (b) the letters probate, letters of administration with the will annexed or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or
- (c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy.

s. 50 (2),  
repealed

(2) Subsection 2 of the said section 50 is repealed.

s. 50 (4),  
amended

(3) Subsection 4 of the said section 50, as amended by the Statutes of Ontario, 1977, chapter 8, section 7, is further amended by striking out “Subject to subsection 2” in the first line.

s. 50 (9),  
re-enacted

(4) Subsection 9 of the said section 50, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 2, is repealed and the following substituted therefor:

Application  
of subss. 4-7

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1970 or after the 10th day of April, 1979.

s. 57,  
amended

**22.** Section 57 of the said Act is amended by striking out “sworn” in the fourth line and inserting in lieu thereof “certified or notarial”.

s. 65 (1),  
amended

**23.**—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 26, is amended by inserting after “Where” in the first line “it appears from the abstract index that”.

s. 65 (2),  
amended

(2) Subsection 2 of the said section 65 is amended by inserting after “Where” in the first line “it appears from the abstract index that”.

s. 65 (2),  
amended

(3) Subsection 2 of the said section 65 is further amended by adding thereto the following clause:

R.S.O. 1970,  
c. 344.

(f) a registered notice of security interest under *The Personal Property Security Act*,

SECTION 21.—Subsection 1. The subsection now provides for the registration of instruments such as wills, letters probate, letters of administration or copies thereof that are related to estates. The amendment clarifies that grants based on wills that are given by courts outside Ontario may also be registered.

Subsection 2. The amendment eliminates the requirement of obtaining the consent of the Minister of Revenue to the registration of an original will or letters probate, letters of administration with the will annexed or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters. Subsection 4 of section 50 of the Act requires the consent to be endorsed on any instrument purporting to convey, transfer or assign any interest in a deceased's property rendering subsection 2 of section 50 of the Act unnecessary.

Subsection 3. This amendment is complementary to the repeal of subsection 2 of section 50 of the Act.

Subsection 4. The re-enactment of the subsection will make it unnecessary to register consents under *The Succession Duty Act* in respect of deaths before 1970.

SECTION 22. This amendment is complementary to section 8 of the Bill which provides for registration by registering a certified or notarial copy of certain instruments.

SECTION 23. These amendments are housekeeping amendments to clarify that title searchers may rely on the abstract index in respect of certain discharges that have been shown on the index for a specified number of years.

SECTION 24. The amendments are consistent with many amendments made in this Bill where reference is made to "certified" copies rather than "sworn" copies of instruments and where obsolete references to sworn copies are deleted.

SECTION 25. This amendment clarifies the effect of registration under subsections 7 and 8 of section 22 of the Act. It also ensures that an expired notice registered under subsection 8 of section 22 of the Act does not constitute actual notice.

SECTION 26.—Subsection 1. The amendment does away with the requirement of entries in red ink.

Subsection 2. The provision now sets out the procedure where an instrument affecting lands covered by a plan is registered without referring to the plan. The provision as recast extends the scope of the section to include other plans and does away with the outdated reference to assistance by surveyors.

SECTION 27.—Subsections 1 and 2. The subject matter of section 78 (3) is now covered by regulation. Section 78 (5) is ambiguous and serves no present purpose.

Subsection 3. The amendments simplify the wording under which a land owner and mortgagee must both consent to the registration of a plan of subdivision. However, it goes on to provide that the consent of a mortgagee is not required where the plan does not lay out any part of the land as a public highway.

**24.—**(1) Subsection 1 of section 68 of the said Act is amended by striking out “sworn” in the second line and inserting in lieu thereof “certified”. s. 68 (1),  
amended

(2) Subsection 2 of the said section 68 is repealed. s. 68 (2),  
repealed

**25.** Subsection 4 of section 73 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 27, is repealed and the following substituted therefor: s. 73 (4),  
re-enacted

(4) The registration of a notice under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section. Registration  
deemed  
notice

(5) The registration of a notice under subsection 7 or 8 of section 22 constitutes notice only of the particulars contained in the notice. Idem

(6) After the expiry of a notice registered under subsection 8 of section 22, the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. Where no  
notice

**26.—**(1) Subsection 2 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 29, is amended by striking out “in red ink” in the third line. s. 76 (2),  
amended

(2) Subsection 3 of the said section 76 is repealed and the following substituted therefor: s. 76 (3),  
re-enacted

(3) Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he considers it necessary or when so directed by the Director, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2. Re-entry  
of  
instruments  
not  
referring  
to prior  
registered  
plan

**27.—**(1) Subsection 3 of section 78 of the said Act is repealed. s. 78 (3),  
repealed

(2) Subsection 5 of the said section 78 is repealed. s. 78 (5),  
repealed

(3) Subsection 7 of the said section 78 is repealed and the following substituted therefor: s. 78 (7),  
re-enacted

(7) The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee Land registrar  
not to file  
plans for  
anyone but  
owner or  
without  
consent of  
mortgagees

of the land consents in writing, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Where consent  
of mortgagee  
not required

(7a) Subsection 7 does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway.

s. 78 (9, 10),  
repealed

(4) Subsections 9 and 10 of the said section 78 are repealed.

s. 78,  
amended

(5) The said section 78, as amended by the Statutes of Ontario, 1972, chapter 133, section 30, is further amended by adding thereto the following subsection:

Registration  
of plan of  
subdivision

(12) Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

R.S.O. 1970,  
c. 59

(a) the title of the owner of the land has been certified under *The Certification of Titles Act*;

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or

(c) certification under *The Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan.

s. 78a (d),  
amended

**28.** Clause *d* of section 78a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 31, is amended by striking out “of survey” in the first line.

s. 79 (1),  
amended

**29.** Subsection 1 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out “of survey” in the fourth line.

s. 81 (4),  
repealed

**30.** Subsection 4 of section 81 of the said Act is repealed.

s. 89 (1),  
amended

**31.—**(1) Subsection 1 of section 89 of the said Act is amended by striking out “the Director” in the sixth line and inserting in lieu thereof “the examiner of surveys”.

s. 89 (4),  
repealed

(2) Subsection 4 of the said section 89 is repealed.

s. 90,  
repealed

**32.—**(1) Section 90 of the said Act is repealed.

Saving

(2) Notwithstanding subsection 1, the said section 90 continues to apply to any plan registered, ordered to be registered or in the

Subsection 4. The repealed section 78 (10) is no longer needed. The other provision repealed provides that in some circumstances the registration of a plan is not binding. The repeal removes some element of uncertainty.

Subsection 5. The new provision incorporates part of the present section 17 of *The Certification of Titles Act* which is more appropriate in *The Registry Act* and also revises the provisions for exception from the need for certification.

SECTIONS 28 AND 29. The amendments will permit the requirement that a reference plan be a plan of survey to be governed by the regulations.

SECTION 30. The subject-matter of the provision repealed is now covered by regulation and is redundant.

SECTION 31.—Subsection 1. The amendment substitutes the approval of the examiner of surveys for the approval of the Director of Land Registration on municipal plans.

Subsection 2. The note to section 30 of the Bill applies equally to this subsection.

SECTION 32. The amendment repeals the provisions relating to judge's plans that are initiated by the Director of Land Registration to resolve boundary, title and record keeping problems. The saving provision is self-explanatory.

SECTION 33. The effect of the repeal together with subsection 2 is to eliminate "restraining orders" from the Act and to rescind all previously registered "restraining orders".

SECTION 34. The new provision enacted is complementary to section 47 of the Bill.

SECTION 35. The provision has been restructured and the requirement for an annual return to be made by the land registrar to the Director has been removed.

SECTION 36. Section 95 of the Act provides for the remission of fees by land registrars to the Treasurer of Ontario. The handling of public money is covered by section 11 of *The Financial Administration Act*.

SECTION 37. Section 96 of the Act is made redundant by section 8 of the Act as re-enacted by section 4 of the Bill.

SECTION 38. The amendment does away with the requirement for the submission of an annual report by the Director to the Minister and then ultimately to the Assembly.

The Ministry of Consumer and Commercial Relations now prepares an annual report and any relevant material is included in this report.

SECTION 39. Section 101 of the Act makes it an offence to alter land registry office books, records, etc. The amendment prevents the limitation period for the offence set out in section 101 from running until the offence is discovered. The maximum penalty is also being increased from \$1,000 to \$5,000.

SECTION 40. Section 102 of the Act authorizes the Lieutenant Governor in Council to make regulations. Some clauses being repealed are either obsolete or redundant. The replacing clauses are complementary to the enactment of subsection 12 of section 78 of the Act by subsection 5 of section 27 of the Bill, section 7 of the Bill and section 19 of the Bill. These are of a housekeeping nature.

course of preparation for registration before this section comes into force.

- 33.**—(1) Section 91 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 35, is repealed. s. 91,  
repealed
- (2) All restraining orders and directions designating areas of land as subdivision plan areas made under section 91 of *The Registry Act* and predecessors thereof before this section comes into force are rescinded. Restraining  
orders  
rescinded  
R.S.O. 1970,  
c. 409
- 34.** The said Act is amended by adding thereto the following section: s. 91a,  
enacted
- 91a. A declaration and description, as defined in *The Condominium Act, 1978*, shall not be registered under this Act unless a certificate of title under *The Certification of Titles Act* showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. Certificate  
under  
R.S.O. 1970,  
c. 59  
required to  
register  
description  
under  
1978, c. 84
- 35.** Section 94 of the said Act is repealed and the following substituted therefor: s. 94,  
re-enacted
94. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director. Record of fees,  
etc.
- 36.** Section 95 of the said Act is repealed. s. 95,  
repealed
- 37.** Section 96 of the said Act is repealed. s. 96,  
repealed
- 38.** Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 36, is repealed. s. 97 (2),  
repealed
- 39.**—(1) Section 101 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 37, is amended by striking out “\$1,000” in the thirteenth line and inserting in lieu thereof “\$5,000”. s. 101,  
amended
- (2) The said section 101 is further amended by adding thereto the following subsection: s. 101,  
amended
- (2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar. When  
limitation  
period  
starts  
running
- 40.** Clauses *d, e, f, g, h* and *m* of subsection 1 of section 102 of the said Act are repealed and the following substituted therefor: s. 102 (1) (*d, e, f, m*),  
re-enacted;  
s. 102 (1) (*g, h*),  
repealed

(d) prescribing the hours during which the land registry offices shall be kept open, and the hours during which instruments shall be received for registration;

(e) designating certification areas for the purpose of subsection 12 of section 78;

(f) governing the custody, disposition and destruction of instruments and records of land registry offices;

. . . . .

(m) designating instruments or documents or classes thereof to which clause *b* of subsection 1 of section 46 does not apply.

s. 103,  
amended

**41.** Section 103 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 38, is amended by adding thereto the following subsection:

Regulations  
for  
purposes  
of  
R.S.O. 1970,  
cc. 48, 59, 234  
1978, c. 84

(2) The Lieutenant Governor in Council may make regulations under this Act in respect of surveys, plans and descriptions of land and procedures related thereto for the purposes of *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act*, 1978, *The Land Titles Act* and this Act, and may in such regulations specify the powers and duties of the examiner of surveys.

s. 107 (5),  
repealed

**42.** Subsection 5 of section 107 of the said Act is repealed.

s. 108,  
re-enacted

**43.** Section 108 of the said Act is repealed and the following substituted therefor:

ss. 16, 17 and  
s. 46 (1) (b)  
apply to  
deposits

108.—(1) Sections 16 and 17 and clause *b* of subsection 1 of section 46 apply to every document deposited under this Part.

Where ss. 106  
and 107 do  
not apply

(2) In respect of a reference plan referred to in section 78*a* or 79 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 106 and 107.

s. 110 (a),  
amended

**44.** Clause *a* of section 110 of the said Act is amended by striking out “whether inchoate or otherwise” in the seventh line.

s. 112 (2) (d),  
repealed

**45.** Clause *d* of subsection 2 of section 112 of the said Act is repealed.

Act,  
amended

**46.**—(1) The said Act and the regulations thereunder are amended by striking out “registrar” and “registrar of deeds” wherever either occurs and substituting therefor in each instance “land registrar”.

SECTION 41. The provision enacted provides for the making of common regulations for many land related statutes.

SECTION 42. The provision repealed provides that the land registrar shall record all deposited documents by photography. This amendment is complementary to sections 19 and 43 of the Bill.

SECTION 43. Subsection 1 of section 108 currently provides for the micro-filming of deposited documents and, as recast, adds the reference to section 46 (1) (b) of the Act.

Sections 106 and 107 of the Act set out procedural routines in respect of deposits. The new provision permits the procedure to be altered in respect of reference plans.

SECTION 44. Clause *a* of section 110 of the Act provides a definition of "claim". The amendment to the definition deletes the reference to an inchoate right to dower which was abolished by *The Family Law Reform Act, 1978*.

SECTION 45. A reference to a wife's inchoate right to dower has been removed as it no longer exists.

SECTION 46. Complementary to section 1 of the Bill wherein the reference to "registrar" is removed.

SECTION 47. The provisions being repealed require that a declaration and description for a proposed condominium must be registered under *The Land Titles Act* where the land in the description is in an area to which that Act applies, or in other areas with a certificate of title under *The Certification of Titles Act*.

These requirements are being covered by section 32 of the Bill and by an amendment to *The Land Titles Act*.

SECTION 48. Self-explanatory.

(2) A reference in any Act or regulation to a registrar or registrar of Idem  
deeds shall be deemed to be a reference to a land registrar.

47. Subsections 4 and 5 of section 2 of *The Condominium Act, 1978*, <sup>1978, c. 84,</sup>  
being chapter 84, are repealed. <sup>s. 2 (4, 5),  
repealed</sup>

48. No provision in this Act affects the validity or legal consequence, as <sup>Saving</sup>  
the case may be, of the registration of any instrument that was <sup>provision</sup>  
registered before the provision came into force.

49.—(1) This Act, except sections 5, 6 and 7, subsection 2 of section 10, <sup>Commence-</sup>  
sections 14, 17 and 19, subsections 2 and 5 of section 27, <sup>ment</sup>  
sections 33, 34, 35, 37, 38, 42, 43 and 47, comes into force on  
the 1st day of January, 1980.

(2) Sections 5, 6 and 7, subsection 2 of section 10, sections 14, 17 Idem  
and 19, subsections 2 and 5 of section 27, sections 33, 34, 35,  
37, 42, 43 and 47 come into force on a day to be named by  
proclamation of the Lieutenant Governor.

(3) Section 38 shall be deemed to have come into force on the 1st Idem  
day of January, 1979.

50. The short title of this Act is *The Registry Amendment Act, 1979*. <sup>Short title</sup>

BILL 150

An Act to amend  
The Registry Act

*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

THE HON. FRANK DREA  
Minister of Consumer and Commercial  
Relations

*(Government Bill)*

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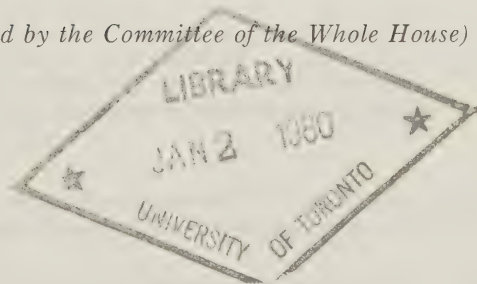
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislative Assembly

## An Act to amend The Registry Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

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#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. Cross references are being made to the examiner of surveys and Director of Titles appointed under *The Land Titles Act*. Reference to “certification area” is being removed from *The Certification of Titles Act* and put into this Act where it is more appropriate.

Subsection 2. The clause being amended defines “instrument”. The addition of “title to” is a technical change for clarification. The documents being deleted from the definition do not affect title to land.

Subsection 3. The reference to “registrar” is being removed since the registrar is, in fact, the land registrar. The new clause *da* is consistent with this.

SECTION 2. The amendment removes the references to Ottawa and London. The land registry offices for the registry divisions of Carleton and Middlesex East are still located in Ottawa and London but these cities are now within the respective registry divisions.

BILL 150

1979

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, 1972, chapter 133, section 1 and 1978, chapter 8, section 1, is further amended by adding thereto the following clauses:

(aa) “certification area” means an area of land designated as such by regulation;

. . . . .

(ba) “Director of Titles” means the Director of Titles appointed under section 11 of *The Land Titles Act*; s. 1, amended  
R.S.O. 1970,  
c. 234

(bb) “examiner of surveys” means the examiner of surveys appointed under section 15 of *The Land Titles Act*;

. . . . .

(da) “land registrar” means a land registrar appointed under section 8.

- (2) Clause *c* of the said section 1 is amended by inserting after “whereby” in the first line “title to”, by striking out “notice of sale by a mortgagee” in the seventh line and by striking out “bond” in the ninth line. s. 1 (c),  
amended

- (3) Clause *la* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 133, section 1, is repealed. s. 1 (la),  
repealed

2. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 3, is repealed and the following substituted therefor: s. 5 (2),  
re-enacted

Idem

(2) Notwithstanding subsection 1, the land registry office for the registry division of Toronto Boroughs and York South may continue to be located in Toronto.

s. 7,  
re-enacted

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 4, is repealed and the following substituted therefor:

Deputy  
Directors

7.—(1) The Director of Land Registration may appoint one or more Deputy Directors of Land Registration.

Senior  
Deputy  
Director  
of Land  
Registration

(2) Where the Director of Land Registration has more than one deputy, he shall designate one of the deputies as the Senior Deputy Director of Land Registration.

Powers and  
duties

(3) A Deputy Director of Land Registration has and may exercise such powers and perform such duties of the Director of Land Registration under this or any other Act as are required by the Director of Land Registration.

Director of  
Titles

(4) In addition to Deputy Directors of Land Registration appointed under subsection 1, the Director of Titles appointed under *The Land Titles Act* is, *ex officio*, a Deputy Director of Land Registration for the purposes of exercising the powers and performing the duties of a Deputy Director of Land Registration under this Act.

Powers and  
duties

(5) Where the office of Director of Land Registration becomes vacant,

(a) the Deputy Director of Land Registration; or

(b) if there is more than one Deputy Director of Land Registration, the Senior Deputy Director of Land Registration,

may exercise the powers and shall perform the duties of the Director of Land Registration until a Director of Land Registration is appointed.

s. 8,  
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 5, is further amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

(2) There shall be at least one deputy land registrar for every registry division, and, where there is more than one deputy land registrar for a registry division, one of the deputies shall be designated as the senior deputy land registrar.

SECTION 3. The Act now provides for the appointment of one Assistant Director of Land Registration. The new provision provides for the appointment of several Deputy Directors, one of whom may be the Senior Deputy.

SECTION 4. The effect of the new provision is to eliminate the requirement that deputies be appointed by the land registrar. The deputies are appointed under *The Public Service Act*. The requirement for a deputy land registrar is new. Currently, the appointment of a deputy is permissive.

SECTION 5. The repeals are complementary to section 4 of the Bill. The provisions repealed are included in the new section 8 of the Act.

SECTION 6. Section 11 of the Act requiring the taking of an oath is covered by *The Public Service Act* except in respect of land registrars. The new provision reflects this.

Section 12 of the Act deals with possible conflict of interest and is also covered by *The Public Service Act*.

SECTION 7. The amendment permits land registry office hours and registration hours to be prescribed by regulation.

SECTION 8.—Subsection 1. The amendment provides for the registration of certificates of continuance.

Subsection 2. The amendment provides for the registration of certified copies in lieu of notarial copies of a number of instruments that are received for registration as general registrations.

SECTION 9. Self-explanatory.

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*. Appointments under R.S.O. 1970, c. 386

5. Subsections 1 and 2 of section 10 of the said Act are repealed. s. 10 (1, 2), repealed

6. Sections 11 and 12 of the said Act are repealed and the following substituted therefor: s. 11, re-enacted  
s. 12, repealed

11. Every land registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. Oath of office, land registrar

7. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed. Office hours

8.—(1) Paragraph 12 of subsection 6 of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (6), par. 12, re-enacted

12. Notarial copies of,

- i. letters patent or certificates of incorporation,
- ii. supplementary letters patent or certificates, or
- iii. certificates of continuance.

(2) The said section 18, as amended by the Statutes of Ontario, 1972, chapter 133, section 9, is further amended by adding thereto the following subsection: s. 18, amended

(6a) Where, under subsection 6, a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. Idem

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 10, is further amended by adding thereto the following subsection: s. 19, amended

(7) Where a plan is copied under subsection 2, and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. Effect of certified copy of plan

s. 20 (2),  
re-enacted



**10.** Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor:

Entries

(2) Subject to subsection 3, the land registrar shall enter every instrument that mentions such parcel or lot of land in the abstract index in the prescribed manner under the proper heading of each separate parcel or lot of land.

Regulations

(3) The Lieutenant Governor in Council may make regulations designating instruments to which subsection 2 does not apply and governing the manner of making entries in the abstract index.

s. 22 (6),  
re-enacted

**11.**—(1) Subsection 6 of section 22 of the said Act is repealed and the following substituted therefor:

Notice of  
unregistered  
interest

(6) An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.

s. 22 (7),  
amended

(2) Subsection 7 of the said section 22 is amended by striking out “or” at the end of clause *e* and by adding thereto the following clauses:

(g) an agreement to lease; or

(h) an option to lease.

s. 25 (1),  
amended

**12.**—(1) Subsection 1 of section 25 of the said Act is amended by striking out “including a guarantor or surety” in the fourth line.

s. 25 (2) (*d*),  
amended

(2) Clause *d* of subsection 2 of the said section 25 is amended by inserting after “by” in the first line “a Minister or”.

s. 25 (2) (*l*),  
amended

(3) Clause *l* of subsection 2 of the said section 25 is amended by striking out “sworn” in the first line and inserting in lieu thereof “certified”.

s. 25 (2),  
amended

(4) Subsection 2 of the said section 25 is amended by adding thereto the following clauses:

(q) a notice of a security interest or certificate of discharge under *The Personal Property Security Act*;

(r) the execution of an instrument by a guarantor or surety.



SECTION 10. Section 20(2) of the Act provides that certain instruments shall be entered in the abstract index. The provision, as recast, simplifies the language. The new subsection, being subsection 3, provides for exceptions to be made by regulation.



SECTION 11.—Subsection 1. The amendment clarifies the subsection.

Subsection 2. The amendment allows the registration of a notice of an agreement to lease and of an option to lease.

SECTION 12.—Subsection 1. Subsection 1 of section 25 of the Act provides that instruments presented for registration shall have an affidavit by a subscribing witness. The amendment removes this requirement in respect of an instrument executed by a guarantor or surety.

Subsection 2. The amendment clarifies the section.

Subsection 3. The amendment repeals the obsolete reference to “sworn” copies.

Subsection 4. The amendment is complementary to subsection 1.

Subsection 5. The new subsection 3 of section 25 allows the Lieutenant Governor in Council to make regulations setting out further classes of instruments that do not require affidavits of subscribing witnesses.

The repeal of the provision will allow for the inclusion of affidavits of witnesses to be part of a plan document instead of being attached to plans of subdivision. This is complementary to subsection 2 of section 28 of the Bill.

SECTION 13. The re-enacted provision clarifies the law in respect of persons outside Ontario taking affidavits for the purpose of registration under the registry system.

SECTION 14.—Subsection 1. The re-enactment is of a housekeeping nature.

Subsection 2. The repealed clause is obsolete since *The Personal Property Security Act* is now based on a notice filing system. The provision repealed allows the registration of certified copies of conditional sale contracts. This provision is no longer used.

SECTION 15. The amendment clarifies the instruments requiring an address for service endorsed thereon and provides for the registration of a notice indicating a change in an address for service.

- (5) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3),  
re-enacted

(3) The Lieutenant Governor in Council may, by regulation, designate classes of instruments, in addition to those set out in subsection 2, to which subsection 1 does not apply. Regulations

- 13.** Subsection 2 of section 27 of the said Act is repealed and the following substituted therefor: s. 27 (2),  
re-enacted

(2) An affidavit, affirmation or declaration that complies with section 45 or 46 of *The Evidence Act* is sufficiently sworn, affirmed or made for the purposes of this Act. Affidavits,  
etc., made  
outside  
Ontario  
R.S.O. 1970,  
c. 15

- 14.—**(1) Clause *a* of section 34 of the said Act is repealed and the following substituted therefor: s. 34 (a),  
re-enacted

(a) a copy of an instrument certified under the hand and seal of the land registrar in whose office the instrument is registered.

- (2) The said section 34, as amended by the Statutes of Ontario, 1972, chapter 133, section 13, is further amended by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 34,  
amended

- 15.** Section 37 of the said Act is repealed and the following substituted therefor: s. 37,  
re-enacted

37.—(1) A land registrar shall not register,

(a) a deed or other conveyance;

(b) an agreement of purchase and sale of land or an assignment thereof;

(c) an option for the purchase of land or an assignment thereof;

(d) a notice mentioned in subsection 8 of section 22;

(e) a mortgage or assignment thereof;

(f) a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor’s interest in the lease or any assignment thereof;

(g) a notice mentioned in clause *a*, *b*, *c*, *d*, *e*, *g* or *h* of subsection 7 of section 22;

(h) a claim for a mechanics’ lien or an assignment thereof;

Address for  
service  
to be  
endorsed on  
certain  
instruments

R.S.O. 1970,  
c. 344

(i) a notice of security interest under *The Personal Property Security Act* or an assignment thereof;

(j) a certificate of judgment or a final order of foreclosure of a mortgage;

(k) a vesting order; or

1978, c. 84

(l) a notice of lien under section 32 of *The Condominium Act, 1978*,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Change of  
address

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

s. 42 (1),  
re-enacted

**16.—**(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 and 1972, chapter 133, section 16, is repealed and the following substituted therefor:

Affidavit  
as to age

(1) Subject to subsection 2, a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release, quit claim or discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, deposing that each person, other than a corporation, making the instrument was of the full age of eighteen years at the time of execution of the instrument.

s. 42 (2),  
re-enacted

(2) Subsection 2 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 is repealed and the following substituted therefor:

Idem

(2) Where an instrument referred to in subsection 1 is executed on behalf of a person under a power of attorney, the affidavit in respect of age referred to in subsection 1 shall be made by the attorney deposing that the person was of the full age of eighteen years at the time of execution of the power of attorney.

Exemption  
from  
subs. 2

(2a) Subsection 2 does not apply to an attorney executing an instrument on behalf of,

(a) a corporation;

(b) a married woman solely for the purpose of barring her dower; or

SECTION 16. The amendment clarifies which instruments require an affidavit of legal age on registration.

SECTION 17. Section 43 of the Act is repealed to eliminate the requirement for mortmain affidavits.

SECTION 18. The amendment clarifies section 43*a* of the Act.

SECTION 19. This new subsection requires affidavit evidence that the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) who have executed an assignment or discharge of mortgage, is or are authorized to do so.

(c) a spouse who, not as an owner and party, consents to or joins in the instrument for the purposes of section 42 of *The Family Law Reform Act, 1978*. 1978, c. 2

(3) Subsection 4 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28, is repealed and the following substituted therefor: s. 42 (4), re-enacted

(4) For the purposes of subsections 2a, 5, 6 and 9, “spouse” means “spouse” as defined in clause f of section 1 of *The Family Law Reform Act, 1978*. Interpretation

(4) Subsection 4a of the said section 42, as enacted by the Statutes of Ontario, 1978, chapter 8, section 2, is repealed. s. 42 (4a), repealed

(5) Subsection 9 of the said section 42, as amended by the Statutes of Ontario, 1978, chapter 8, section 2, is further amended by striking out “or” at the end of clause b, by adding “or” at the end of clause c and by adding thereto the following clause: s. 42 (9), amended

(d) a person executing a mortgage as guarantor or surety.

**17.** Section 43 of the said Act is repealed. s. 43, repealed

**18.** Section 43a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 17, is repealed and the following substituted therefor: s. 43a, re-enacted

43a. Where compliance with section 29 of *The Planning Act* is not apparent on an instrument, the instrument shall not be registered unless, Proof of compliance with R.S.O. 1970, c. 349, s. 29

(a) a consent under section 29 of *The Planning Act* in respect of the instrument is attached thereto, endorsed thereon or registered in the same land registry office and the date of registration and registration number thereof are indicated in the instrument tendered for registration;

(b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the parties or by his solicitor, is attached thereto; or

(c) the land registrar is satisfied that section 29 of *The Planning Act* does not apply to the instrument.

**19.** Section 44 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 18, is further amended by adding thereto the following subsection: s. 44, amended

Idem

(3a) An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge.

s. 46 (1) (b),  
re-enacted

**20.** Clause *b* of subsection 1 of section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 19, is repealed and the following substituted therefor:

(b) shall cause it to be recorded in the proper index or indexes and except as provided by the regulations, shall cause it to be recorded on photographic film.

s. 47,  
re-enacted;  
s. 48, repealed

**21.** Sections 47 and 48 of the said Act are repealed and the following substituted therefor:

Crown  
grants  
R.S.O. 1970,  
c. 380

47. A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 50 (1) (b, c),  
re-enacted

**22.—(1)** Clauses *b* and *c* of subsection 1 of section 50 of the said Act are repealed and the following substituted therefor:

(b) the letters probate, letters of administration with the will annexed or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy.

s. 50 (2),  
repealed

(2) Subsection 2 of the said section 50 is repealed.

s. 50 (4),  
amended

(3) Subsection 4 of the said section 50, as amended by the Statutes of Ontario, 1977, chapter 8, section 7, is further amended by striking out “Subject to subsection 2” in the first line.

s. 50 (9),  
re-enacted

(4) Subsection 9 of the said section 50, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 2, is repealed and the following substituted therefor:

Application  
of subss. 4-7

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1970 or after the 10th day of April, 1979.

SECTION 20. The effect of the amendment is to provide that the instruments that will not need to be microfilmed shall be determined by regulation.

SECTION 21. Section 48 of the Act provides for the registration of letters patent, etc., by registering a true copy. The repeal of this section is complementary to the amendment in section 8 of the Bill which provides for registration by registering a notarial or certified copy.

The re-enactment clarifies that Crown grants received under section 40 of *The Public Lands Act* must meet the registration requirements of *The Registry Act*.

SECTION 22.—Subsection 1. The subsection now provides for the registration of instruments such as wills, letters probate, letters of administration or copies thereof that are related to estates. The amendment clarifies that grants based on wills that are given by courts outside Ontario may also be registered.

Subsection 2. The amendment eliminates the requirement of obtaining the consent of the Minister of Revenue to the registration of an original will or letters probate, letters of administration with the will annexed or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters. Subsection 4 of section 50 of the Act requires the consent to be endorsed on any instrument purporting to convey, transfer or assign any interest in a deceased's property rendering subsection 2 of section 50 of the Act unnecessary.

Subsection 3. This amendment is complementary to the repeal of subsection 2 of section 50 of the Act.

Subsection 4. The re-enactment of the subsection will make it unnecessary to register consents under *The Succession Duty Act* in respect of deaths before 1970.

SECTION 23. This amendment is complementary to section 8 of the Bill which provides for registration by registering a certified or notarial copy of certain instruments.

SECTION 24. These amendments are housekeeping amendments to clarify that title searchers may rely on the abstract index in respect of certain discharges that have been shown on the index for a specified number of years.

SECTION 25. The amendments are consistent with many amendments made in this Bill where reference is made to "certified" copies rather than "sworn" copies of instruments and where obsolete references to sworn copies are deleted.

SECTION 26. This amendment clarifies the effect of registration under subsections 7 and 8 of section 22 of the Act. It also ensures that an expired notice registered under subsection 8 of section 22 of the Act does not constitute actual notice.

SECTION 27.—Subsection 1. The amendment does away with the requirement of entries in red ink.

Subsection 2. The provision now sets out the procedure where an instrument affecting lands covered by a plan is registered without referring to the plan. The provision as recast extends the scope of the section to include other plans and does away with the outdated reference to assistance by surveyors.

- 23.** Section 57 of the said Act is amended by striking out “sworn” in the fourth line and inserting in lieu thereof “certified or notarial”. s. 57,  
amended
- 24.**—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 26, is amended by inserting after “Where” in the first line “it appears from the abstract index that”. s. 65 (1),  
amended
- (2) Subsection 2 of the said section 65 is amended by inserting after “Where” in the first line “it appears from the abstract index that”. s. 65 (2),  
amended
- (3) Subsection 2 of the said section 65 is further amended by adding thereto the following clause: s. 65 (2),  
amended
- (f) a registered notice of security interest under *The Personal Property Security Act*, R.S.O. 1970,  
c. 344
- . . . . .
- 25.**—(1) Subsection 1 of section 68 of the said Act is amended by striking out “sworn” in the second line and inserting in lieu thereof “certified”. s. 68 (1),  
amended
- (2) Subsection 2 of the said section 68 is repealed. s. 68 (2),  
repealed
- 26.** Subsection 4 of section 73 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 27, is repealed and the following substituted therefor: s. 73 (4),  
re-enacted
- (4) The registration of a notice under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section. Registration  
deemed  
notice
- (5) The registration of a notice under subsection 7 or 8 of section 22 constitutes notice only of the particulars contained in the notice. Idem
- (6) After the expiry of a notice registered under subsection 8 of section 22, the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. Where no  
notice
- 27.**—(1) Subsection 2 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 29, is amended by striking out “in red ink” in the third line. s. 76 (2),  
amended
- (2) Subsection 3 of the said section 76 is repealed and the following substituted therefor: s. 76 (3),  
re-enacted

Re-entry  
of  
instruments  
not  
referring  
to prior  
registered  
plan

(3) Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he considers it necessary or when so directed by the Director, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2.

s. 78 (3),  
repealed

**28.**—(1) Subsection 3 of section 78 of the said Act is repealed.

s. 78 (5),  
repealed

(2) Subsection 5 of the said section 78 is repealed.

s. 78 (7),  
re-enacted

(3) Subsection 7 of the said section 78 is repealed and the following substituted therefor:

Land registrar  
not to file  
plans for  
anyone but  
owner or  
without  
consent of  
mortgagees

(7) The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee of the land consents in writing, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Where consent  
of mortgagee  
not required

(7a) Subsection 7 does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway.

s. 78 (9, 10),  
repealed

(4) Subsections 9 and 10 of the said section 78 are repealed.

s. 78,  
amended

(5) The said section 78, as amended by the Statutes of Ontario, 1972, chapter 133, section 30, is further amended by adding thereto the following subsection:

Where land  
in certification  
area

(12) Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

R.S.O. 1970,  
c. 59

(a) the title of the owner of the land has been certified under *The Certification of Titles Act*;

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or

(c) certification under *The Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan.

SECTION 28.—Subsections 1 and 2. The subject matter of section 78 (3) is now covered by regulation. Section 78 (5) is ambiguous and serves no present purpose.

Subsection 3. The amendments simplify the wording under which a land owner and mortgagee must both consent to the registration of a plan of subdivision. However, it goes on to provide that the consent of a mortgagee is not required where the plan does not lay out any part of the land as a public highway.

Subsection 4. The repealed section 78 (9) is no longer needed. The other provision repealed provides that in some circumstances the registration of a plan is not binding. The repeal removes some element of uncertainty.

Subsection 5. The new provision incorporates part of the present section 17 of *The Certification of Titles Act* which is more appropriate in *The Registry Act* and also revises the provisions for exception from the need for certification.



Subsection 6. The provision restates, in *The Registry Act*, the current law that a description under *The Condominium Act, 1978* shall not be registered under *The Registry Act* if the land involved is in a land titles area.



SECTIONS 29 AND 30. The amendments will permit the requirement that a reference plan be a plan of survey to be governed by the regulations.

SECTION 31. The subject-matter of the provision repealed is now covered by regulation and is redundant.

SECTION 32.—Subsection 1. The amendment substitutes the approval of the examiner of surveys for the approval of the Director of Land Registration on municipal plans.

Subsection 2. The note to section 31 of the Bill applies equally to this subsection.

SECTION 33. The amendment repeals the provisions relating to judge's plans that are initiated by the Director of Land Registration to resolve boundary, title and record keeping problems. The saving provision is self-explanatory.

SECTION 34. The effect of the repeal together with subsection 2 is to eliminate "restraining orders" from the Act and to rescind all previously registered "restraining orders".

SECTION 35. The new provision enacted is complementary to section 48 of the Bill.

- (6) The said section 78 is further amended by adding thereto the following subsection: s. 78,  
amended

(13) A description as defined in *The Condominium Act, 1978* in respect of land that is within an area to which *The Land Titles Act* applies but not within an area designated under subsection 3 of section 160a of *The Land Titles Act* shall not be registered under this Act. Where  
description  
required  
to be  
registered  
under  
R.S.O. 1970,  
c. 234  
1978, c. 84

- 29.** Clause *d* of section 78a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 31, is amended by striking out “of survey” in the first line. s. 78a (d),  
amended

- 30.** Subsection 1 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out “of survey” in the fourth line. s. 79 (1),  
amended

- 31.** Subsection 4 of section 81 of the said Act is repealed. s. 81 (4),  
repealed

- 32.—**(1) Subsection 1 of section 89 of the said Act is amended by striking out “the Director” in the sixth line and inserting in lieu thereof “the examiner of surveys”. s. 89 (1),  
amended

- (2) Subsection 4 of the said section 89 is repealed. s. 89 (4),  
repealed

- 33.—**(1) Section 90 of the said Act is repealed. s. 90,  
repealed

- (2) Notwithstanding subsection 1, the said section 90 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force. Saving

- 34.—**(1) Section 91 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 35, is repealed. s. 91,  
repealed

- (2) All restraining orders and directions designating areas of land as subdivision plan areas made under section 91 of *The Registry Act* and predecessors thereof before this section comes into force are rescinded. Restraining  
orders  
rescinded  
R.S.O. 1970,  
c. 409

- 35.** The said Act is amended by adding thereto the following section: s. 91a,  
enacted

91a. A declaration and description, as defined in *The Condominium Act, 1978*, shall not be registered under this Act unless a certificate of title under *The Certification of Titles Act* showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. Certificate  
under  
R.S.O. 1970,  
c. 59  
required to  
register  
description  
under  
1978, c. 84

s. 94,  
re-enacted

**36.** Section 94 of the said Act is repealed and the following substituted therefor:

Record of fees,  
etc.

94. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director.

s. 95,  
repealed

**37.** Section 95 of the said Act is repealed.

s. 96,  
repealed

**38.** Section 96 of the said Act is repealed.

s. 97 (2),  
repealed

**39.** Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 36, is repealed.

s. 101,  
amended

**40.**—(1) Section 101 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 37, is amended by striking out “\$1,000” in the thirteenth line and inserting in lieu thereof “\$5,000”.

s. 101,  
amended

(2) The said section 101 is further amended by adding thereto the following subsection:

When  
limitation  
period  
starts  
running

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar.

s. 102 (1) (*d, e, f, m*),  
re-enacted;  
s. 102 (1) (*g, h*),  
repealed

**41.** Clauses *d, e, f, g, h* and *m* of subsection 1 of section 102 of the said Act are repealed and the following substituted therefor:

(*d*) prescribing the hours during which the land registry offices shall be kept open, and the hours during which instruments shall be received for registration;

(*e*) designating certification areas for the purpose of subsection 12 of section 78;

(*f*) governing the custody, disposition and destruction of instruments and records of land registry offices;

. . . . .

(*m*) designating instruments or documents or classes thereof to which clause *b* of subsection 1 of section 46 does not apply.

SECTION 36. The provision has been restructured and the requirement for an annual return to be made by the land registrar to the Director has been removed.

SECTION 37. Section 95 of the Act provides for the remission of fees by land registrars to the Treasurer of Ontario. The handling of public money is covered by section 11 of *The Financial Administration Act*.

SECTION 38. Section 96 of the Act is made redundant by section 8 of the Act as re-enacted by section 4 of the Bill.

SECTION 39. The amendment does away with the requirement for the submission of an annual report by the Director to the Minister and then ultimately to the Assembly.

The Ministry of Consumer and Commercial Relations now prepares an annual report and any relevant material is included in this report.

SECTION 40. Section 101 of the Act makes it an offence to alter land registry office books, records, etc. The amendment prevents the limitation period for the offence set out in section 101 from running until the offence is discovered. The maximum penalty is also being increased from \$1,000 to \$5,000.

SECTION 41. Section 102 of the Act authorizes the Lieutenant Governor in Council to make regulations. Some clauses being repealed are either obsolete or redundant. The replacing clauses are complementary to the enactment of subsection 12 of section 78 of the Act by subsection 5 of section 28 of the Bill, section 7 of the Bill and section 20 of the Bill. These are of a housekeeping nature.

SECTION 42. The provision enacted provides for the making of common regulations for many land related statutes.

SECTION 43. The provision repealed provides that the land registrar shall record all deposited documents by photography. This amendment is complementary to sections 20 and 44 of the Bill.

SECTION 44. Subsection 1 of section 108 currently provides for the micro-filming of deposited documents and, as recast, adds the reference to section 46 (1) (b) of the Act.

Sections 106 and 107 of the Act set out procedural routines in respect of deposits. The new provision permits the procedure to be altered in respect of reference plans.

SECTION 45. Clause *a* of section 110 of the Act provides a definition of "claim". The amendment to the definition deletes the reference to an inchoate right to dower which was abolished by *The Family Law Reform Act, 1978*.

SECTION 46. A reference to a wife's inchoate right to dower has been removed as it no longer exists.


SECTION 47. Complementary to section 1 of the Bill wherein the reference to "registrar" is removed.

SECTION 48. The provisions being repealed require that a declaration and description for a proposed condominium must be registered under *The Land Titles Act* where the land in the description is in an area to which that Act applies, or in other areas with a certificate of title under *The Certification of Titles Act*.

These requirements are being covered by section 33 of the Bill and by an amendment to *The Land Titles Act*.

SECTION 49. Self-explanatory.

- 42.** Section 103 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 38, is amended by adding thereto the following subsection: s. 103,  
amended
- (2) The Lieutenant Governor in Council may make regulations under this Act in respect of surveys, plans and descriptions of land and procedures related thereto for the purposes of *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act, 1978*, *The Land Titles Act* and this Act, and may in such regulations specify the powers and duties of the examiner of surveys. Regulations  
for  
purposes  
of  
R.S.O. 1970,  
cc. 48, 59, 234  
1978, c. 84
- 43.** Subsection 5 of section 107 of the said Act is repealed. s. 107 (5),  
repealed
- 44.** Section 108 of the said Act is repealed and the following substituted therefor: s. 108,  
re-enacted
- 108.—(1) Sections 16 and 17 and clause *b* of subsection 1 of section 46 apply to every document deposited under this Part. ss. 16, 17 and  
s. 46 (1) (*b*)  
apply to  
deposits
- (2) In respect of a reference plan referred to in section 78*a* or 79 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 106 and 107. Where ss. 106  
and 107 do  
not apply
- 45.** Clause *a* of section 110 of the said Act is amended by striking out “whether inchoate or otherwise” in the seventh line. s. 110 (*a*),  
amended
- 46.** Clause *d* of subsection 2 of section 112 of the said Act is repealed. s. 112 (2) (*d*),  
repealed
- 47.**—(1) The said Act and the regulations thereunder are amended by striking out “registrar” and “registrar of deeds” wherever either occurs and substituting therefor in each instance “land registrar”. Act,  
amended
- (2) A reference in any Act or regulation to a registrar or registrar of deeds shall be deemed to be a reference to a land registrar. Idem
- 48.** Subsections 4 and 5 of section 2 of *The Condominium Act, 1978*, being chapter 84, are repealed. 1978, c. 84,  
s. 2 (4, 5),  
repealed
- 49.** No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before the provision came into force. Saving  
provision
- 50.**—(1) This Act, except sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18 and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 39, 43, 44 and 48, comes into force on the 1st day of January, 1980. Commence-  
ment

- Idem (2) Sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18, and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 43, 44 and 48 come into force on a day to be named by proclamation of the Lieutenant Governor.
- Idem (3) Section 39 shall be deemed to have come into force on the 1st day of January, 1979. 
- Short title **51.** The short title of this Act is *The Registry Amendment Act, 1979*.







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# BILL 150

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An Act to amend  
The Registry Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and Commercial  
Relations

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*(Reprinted as amended by the  
Committee of the Whole House)*

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# BILL 150

3RD SESSION, 31ST LEGISLATURE, <sup>f</sup>ONTARIO  
28 ELIZABETH II, 1979 *28 Elizabeth II - 1979*

## An Act to amend The Registry Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





BILL 150

1979

## An Act to amend The Registry Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, 1972, chapter 133, section 1 and 1978, chapter 8, section 1, is further amended by adding thereto the following clauses:

(aa) “certification area” means an area of land designated as such by regulation;

. . . . .

(ba) “Director of Titles” means the Director of Titles appointed under section 11 of *The Land Titles Act*; s. 1,  
amended  
R.S.O. 1970,  
c. 234

(bb) “examiner of surveys” means the examiner of surveys appointed under section 15 of *The Land Titles Act*;

. . . . .

(da) “land registrar” means a land registrar appointed under section 8.

- (2) Clause *c* of the said section 1 is amended by inserting after “whereby” in the first line “title to”, by striking out “notice of sale by a mortgagee” in the seventh line and by striking out “bond” in the ninth line. s. 1 (c),  
amended

- (3) Clause *la* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 133, section 1, is repealed. s. 1 (la),  
repealed

2. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 3, is repealed and the following substituted therefor: s. 5 (2),  
re-enacted

Idem

(2) Notwithstanding subsection 1, the land registry office for the registry division of Toronto Boroughs and York South may continue to be located in Toronto.

s. 7,  
re-enacted

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 4, is repealed and the following substituted therefor:

Deputy  
Directors

7.—(1) The Director of Land Registration may appoint one or more Deputy Directors of Land Registration.

Senior  
Deputy  
Director  
of Land  
Registration

(2) Where the Director of Land Registration has more than one deputy, he shall designate one of the deputies as the Senior Deputy Director of Land Registration.

Powers and  
duties

(3) A Deputy Director of Land Registration has and may exercise such powers and perform such duties of the Director of Land Registration under this or any other Act as are required by the Director of Land Registration.

Director of  
Titles

(4) In addition to Deputy Directors of Land Registration appointed under subsection 1, the Director of Titles appointed under *The Land Titles Act* is, *ex officio*, a Deputy Director of Land Registration for the purposes of exercising the powers and performing the duties of a Deputy Director of Land Registration under this Act.

Powers and  
duties

(5) Where the office of Director of Land Registration becomes vacant,

(a) the Deputy Director of Land Registration; or

(b) if there is more than one Deputy Director of Land Registration, the Senior Deputy Director of Land Registration,

may exercise the powers and shall perform the duties of the Director of Land Registration until a Director of Land Registration is appointed.

s. 8,  
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 5, is further amended by adding thereto the following subsections:

Land  
registrars  
and deputy  
land  
registrars

(2) There shall be at least one deputy land registrar for every registry division, and, where there is more than one deputy land registrar for a registry division, one of the deputies shall be designated as the senior deputy land registrar.

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*. Appointments under R.S.O. 1970, c. 386

5. Subsections 1 and 2 of section 10 of the said Act are repealed. s. 10 (1, 2) repealed

6. Sections 11 and 12 of the said Act are repealed and the following substituted therefor: s. 11 re-enacted  
s. 12 repealed

11. Every land registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. Oath of office, land registrar

7. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed. Office hours

8.—(1) Paragraph 12 of subsection 6 of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (6), par. 12, re-enacted

12. Notarial copies of,

- i. letters patent or certificates of incorporation,
- ii. supplementary letters patent or certificates, or
- iii. certificates of continuance.

(2) The said section 18, as amended by the Statutes of Ontario, 1972, chapter 133, section 9, is further amended by adding thereto the following subsection: s. 18, amended

(6a) Where, under subsection 6, a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. Idem

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 10, is further amended by adding thereto the following subsection: s. 19, amended

(7) Where a plan is copied under subsection 2, and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. Effect of certified copy of plan

s. 20 (2),  
re-enacted

- 10.** Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor:

Entries

(2) Subject to subsection 3, the land registrar shall enter every instrument that mentions such parcel or lot of land in the abstract index in the prescribed manner under the proper heading of each separate parcel or lot of land.

Regulations

(3) The Lieutenant Governor in Council may make regulations designating instruments to which subsection 2 does not apply and governing the manner of making entries in the abstract index.

s. 22 (6),  
re-enacted

- 11.**—(1) Subsection 6 of section 22 of the said Act is repealed and the following substituted therefor:

Notice of  
unregistered  
interest

(6) An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.

s. 22 (7),  
amended

- (2) Subsection 7 of the said section 22 is amended by striking out “or” at the end of clause *e* and by adding thereto the following clauses:

(g) an agreement to lease; or

(h) an option to lease.

s. 25 (1),  
amended

- 12.**—(1) Subsection 1 of section 25 of the said Act is amended by striking out “including a guarantor or surety” in the fourth line.

s. 25 (2) (*d*),  
amended

- (2) Clause *d* of subsection 2 of the said section 25 is amended by inserting after “by” in the first line “a Minister or”.

s. 25 (2) (*l*),  
amended

- (3) Clause *l* of subsection 2 of the said section 25 is amended by striking out “sworn” in the first line and inserting in lieu thereof “certified”.

s. 25 (2),  
amended

- (4) Subsection 2 of the said section 25 is amended by adding thereto the following clauses:

(q) a notice of a security interest or certificate of discharge under *The Personal Property Security Act*;

(r) the execution of an instrument by a guarantor or surety.

- (5) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3),  
re-enacted

(3) The Lieutenant Governor in Council may, by regulation, designate classes of instruments, in addition to those set out in subsection 2, to which subsection 1 does not apply. Regulations

- 13.** Subsection 2 of section 27 of the said Act is repealed and the following substituted therefor: s. 27 (2),  
re-enacted

(2) An affidavit, affirmation or declaration that complies with section 45 or 46 of *The Evidence Act* is sufficiently sworn, affirmed or made for the purposes of this Act. Affidavits,  
etc., made  
outside  
Ontario  
R.S.O. 1970,  
c. 15

- 14.—**(1) Clause *a* of section 34 of the said Act is repealed and the following substituted therefor: s. 34 (a),  
re-enacted

(a) a copy of an instrument certified under the hand and seal of the land registrar in whose office the instrument is registered.

- (2) The said section 34, as amended by the Statutes of Ontario, 1972, chapter 133, section 13, is further amended by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 34,  
amended

- 15.** Section 37 of the said Act is repealed and the following substituted therefor: s. 37,  
re-enacted

37.—(1) A land registrar shall not register,

(a) a deed or other conveyance;

(b) an agreement of purchase and sale of land or an assignment thereof;

(c) an option for the purchase of land or an assignment thereof;

(d) a notice mentioned in subsection 8 of section 22;

(e) a mortgage or assignment thereof;

(f) a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor’s interest in the lease or any assignment thereof;

(g) a notice mentioned in clause *a*, *b*, *c*, *d*, *e*, *g* or *h* of subsection 7 of section 22;

(h) a claim for a mechanics’ lien or an assignment thereof;

Address for  
service  
to be  
endorsed on  
certain  
instruments

R.S.O. 1970,  
c. 344

(i) a notice of security interest under *The Personal Property Security Act* or an assignment thereof;

(j) a certificate of judgment or a final order of foreclosure of a mortgage;

(k) a vesting order; or

1978, c. 84

(l) a notice of lien under section 32 of *The Condominium Act, 1978*,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Change of  
address

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

s. 42 (1),  
re-enacted

**16.—**(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 and 1972, chapter 133, section 16, is repealed and the following substituted therefor:

Affidavit  
as to age

(1) Subject to subsection 2, a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release, quit claim or discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, deposing that each person, other than a corporation, making the instrument was of the full age of eighteen years at the time of execution of the instrument.

s. 42 (2),  
re-enacted

(2) Subsection 2 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 is repealed and the following substituted therefor:

Idem

(2) Where an instrument referred to in subsection 1 is executed on behalf of a person under a power of attorney, the affidavit in respect of age referred to in subsection 1 shall be made by the attorney deposing that the person was of the full age of eighteen years at the time of execution of the power of attorney.

Exemption  
from  
subs. 2

(2a) Subsection 2 does not apply to an attorney executing an instrument on behalf of,

(a) a corporation;

(b) a married woman solely for the purpose of barring her dower; or

(c) a spouse who, not as an owner and party, consents to or joins in the instrument for the purposes of section 42 of *The Family Law Reform Act, 1978*. 1978, c. 2

(3) Subsection 4 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28, is repealed and the following substituted therefor: s. 42 (4), re-enacted

(4) For the purposes of subsections 2a, 5, 6 and 9, “spouse” means “spouse” as defined in clause *f* of section 1 of *The Family Law Reform Act, 1978*. Interpretation

(4) Subsection 4a of the said section 42, as enacted by the Statutes of Ontario, 1978, chapter 8, section 2, is repealed. s. 42 (4a), repealed

(5) Subsection 9 of the said section 42, as amended by the Statutes of Ontario, 1978, chapter 8, section 2, is further amended by striking out “or” at the end of clause *b*, by adding “or” at the end of clause *c* and by adding thereto the following clause: s. 42 (9), amended

(d) a person executing a mortgage as guarantor or surety.

**17.** Section 43 of the said Act is repealed. s. 43, repealed

**18.** Section 43a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 17, is repealed and the following substituted therefor: s. 43a, re-enacted

43a. Where compliance with section 29 of *The Planning Act* is not apparent on an instrument, the instrument shall not be registered unless, Proof of compliance with R.S.O. 1970, c. 349, s. 29

(a) a consent under section 29 of *The Planning Act* in respect of the instrument is attached thereto, endorsed thereon or registered in the same land registry office and the date of registration and registration number thereof are indicated in the instrument tendered for registration;

(b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the parties or by his solicitor, is attached thereto; or

(c) the land registrar is satisfied that section 29 of *The Planning Act* does not apply to the instrument.

**19.** Section 44 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 18, is further amended by adding thereto the following subsection: s. 44, amended

Idem

(3a) An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge.

s. 46 (1) (b),  
re-enacted

**20.** Clause *b* of subsection 1 of section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 19, is repealed and the following substituted therefor:

(b) shall cause it to be recorded in the proper index or indexes and except as provided by the regulations, shall cause it to be recorded on photographic film.

s. 47,  
re-enacted;  
s. 48, repealed

**21.** Sections 47 and 48 of the said Act are repealed and the following substituted therefor:

Crown  
grants  
R.S.O. 1970,  
c. 380

47. A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 50 (1) (b, c),  
re-enacted

**22.—(1)** Clauses *b* and *c* of subsection 1 of section 50 of the said Act are repealed and the following substituted therefor:

(b) the letters probate, letters of administration with the will annexed or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy.

s. 50 (2),  
repealed

(2) Subsection 2 of the said section 50 is repealed.

s. 50 (4),  
amended

(3) Subsection 4 of the said section 50, as amended by the Statutes of Ontario, 1977, chapter 8, section 7, is further amended by striking out "Subject to subsection 2" in the first line.

s. 50 (9),  
re-enacted

(4) Subsection 9 of the said section 50, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 2, is repealed and the following substituted therefor:

Application  
of subss. 4-7

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1970 or after the 10th day of April, 1979.

- 23.** Section 57 of the said Act is amended by striking out “sworn” in the fourth line and inserting in lieu thereof “certified or notarial”. s. 57,  
amended
- 24.**—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 26, is amended by inserting after “Where” in the first line “it appears from the abstract index that”. s. 65 (1),  
amended
- (2) Subsection 2 of the said section 65 is amended by inserting after “Where” in the first line “it appears from the abstract index that”. s. 65 (2),  
amended
- (3) Subsection 2 of the said section 65 is further amended by adding thereto the following clause: s. 65 (2),  
amended
- (f) a registered notice of security interest under *The Personal Property Security Act*, R.S.O. 1970,  
c. 344
- . . . . .
- 25.**—(1) Subsection 1 of section 68 of the said Act is amended by striking out “sworn” in the second line and inserting in lieu thereof “certified”. s. 68 (1),  
amended
- (2) Subsection 2 of the said section 68 is repealed. s. 68 (2),  
repealed
- 26.** Subsection 4 of section 73 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 27, is repealed and the following substituted therefor: s. 73 (4),  
re-enacted
- (4) The registration of a notice under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section. Registration  
deemed  
notice
- (5) The registration of a notice under subsection 7 or 8 of section 22 constitutes notice only of the particulars contained in the notice. Idem
- (6) After the expiry of a notice registered under subsection 8 of section 22, the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. Where no  
notice
- 27.**—(1) Subsection 2 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 29, is amended by striking out “in red ink” in the third line. s. 76 (2),  
amended
- (2) Subsection 3 of the said section 76 is repealed and the following substituted therefor: s. 76 (3),  
re-enacted

Re-entry  
of  
instruments  
not  
referring  
to prior  
registered  
plan

(3) Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he considers it necessary or when so directed by the Director, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2.

s. 78 (3),  
repealed

**28.**—(1) Subsection 3 of section 78 of the said Act is repealed.

s. 78 (5),  
repealed

(2) Subsection 5 of the said section 78 is repealed.

s. 78 (7),  
re-enacted

(3) Subsection 7 of the said section 78 is repealed and the following substituted therefor:

Land registrar  
not to file  
plans for  
anyone but  
owner or  
without  
consent of  
mortgagees

(7) The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee of the land consents in writing, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Where consent  
of mortgagee  
not required

(7a) Subsection 7 does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway.

s. 78 (9, 10),  
repealed

(4) Subsections 9 and 10 of the said section 78 are repealed.

s. 78,  
amended

(5) The said section 78, as amended by the Statutes of Ontario, 1972, chapter 133, section 30, is further amended by adding thereto the following subsection:

Where land  
in certification  
area

(12) Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

R.S.O. 1970,  
c. 59

(a) the title of the owner of the land has been certified under *The Certification of Titles Act*;

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or

(c) certification under *The Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan.

- (6) The said section 78 is further amended by adding thereto the following subsection: s. 78, amended

(13) A description as defined in *The Condominium Act, 1978* in respect of land that is within an area to which *The Land Titles Act* applies but not within an area designated under subsection 3 of section 160a of *The Land Titles Act* shall not be registered under this Act. Where description required to be registered under R.S.O. 1970, c. 234 1978, c. 84

- 29.** Clause *d* of section 78a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 31, is amended by striking out “of survey” in the first line. s. 78a (d), amended

- 30.** Subsection 1 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out “of survey” in the fourth line. s. 79 (1), amended

- 31.** Subsection 4 of section 81 of the said Act is repealed. s. 81 (4), repealed

- 32.—**(1) Subsection 1 of section 89 of the said Act is amended by striking out “the Director” in the sixth line and inserting in lieu thereof “the examiner of surveys”. s. 89 (1), amended

- (2) Subsection 4 of the said section 89 is repealed. s. 89 (4), repealed

- 33.—**(1) Section 90 of the said Act is repealed. s. 90, repealed

- (2) Notwithstanding subsection 1, the said section 90 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force. Saving

- 34.—**(1) Section 91 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 35, is repealed. s. 91, repealed

- (2) All restraining orders and directions designating areas of land as subdivision plan areas made under section 91 of *The Registry Act* and predecessors thereof before this section comes into force are rescinded. Restraining orders rescinded R.S.O. 1970, c. 409

- 35.** The said Act is amended by adding thereto the following section: s. 91a, enacted

91a. A declaration and description, as defined in *The Condominium Act, 1978*, shall not be registered under this Act unless a certificate of title under *The Certification of Titles Act* showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. Certificate under R.S.O. 1970, c. 59 required to register description under 1978, c. 84

s. 94.  
re-enacted

**36.** Section 94 of the said Act is repealed and the following substituted therefor:

Record of fees,  
etc.

94. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director.

s. 95.  
repealed

**37.** Section 95 of the said Act is repealed.

s. 96.  
repealed

**38.** Section 96 of the said Act is repealed.

s. 97 (2),  
repealed

**39.** Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 36, is repealed.

s. 101,  
amended

**40.—**(1) Section 101 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 37, is amended by striking out “\$1,000” in the thirteenth line and inserting in lieu thereof “\$5,000”.

s. 101,  
amended

(2) The said section 101 is further amended by adding thereto the following subsection:

When  
limitation  
period  
starts  
running

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar.

s. 102 (1) (*d, e, f, m*).  
re-enacted;  
s. 102 (1) (*g, h*).  
repealed

**41.** Clauses *d, e, f, g, h* and *m* of subsection 1 of section 102 of the said Act are repealed and the following substituted therefor:

(*d*) prescribing the hours during which the land registry offices shall be kept open, and the hours during which instruments shall be received for registration;

(*e*) designating certification areas for the purpose of subsection 12 of section 78;

(*f*) governing the custody, disposition and destruction of instruments and records of land registry offices;

. . . . .

(*m*) designating instruments or documents or classes thereof to which clause *b* of subsection 1 of section 46 does not apply.

- 42.** Section 103 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 38, is amended by adding thereto the following subsection:
- (2) The Lieutenant Governor in Council may make regulations under this Act in respect of surveys, plans and descriptions of land and procedures related thereto for the purposes of *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act*, 1978, *The Land Titles Act* and this Act, and may in such regulations specify the powers and duties of the examiner of surveys.
- 43.** Subsection 5 of section 107 of the said Act is repealed.
- 44.** Section 108 of the said Act is repealed and the following substituted therefor:
- 108.—(1) Sections 16 and 17 and clause *b* of subsection 1 of section 46 apply to every document deposited under this Part.
- (2) In respect of a reference plan referred to in section 78*a* or 79 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 106 and 107.
- 45.** Clause *a* of section 110 of the said Act is amended by striking out “whether inchoate or otherwise” in the seventh line.
- 46.** Clause *d* of subsection 2 of section 112 of the said Act is repealed.
- 47.**—(1) The said Act and the regulations thereunder are amended by striking out “registrar” and “registrar of deeds” wherever either occurs and substituting therefor in each instance “land registrar”.
- (2) A reference in any Act or regulation to a registrar or registrar of deeds shall be deemed to be a reference to a land registrar.
- 48.** Subsections 4 and 5 of section 2 of *The Condominium Act*, 1978, being chapter 84, are repealed.
- 49.** No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before the provision came into force.
- 50.**—(1) This Act, except sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18 and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 39, 43, 44 and 48, comes into force on the 1st day of January, 1980.

s. 103.  
amended

Regulations  
for  
purposes  
of  
R.S.O. 1970,  
cc. 48, 59, 234  
1978, c. 84

s. 107 (5).  
repealed

s. 108.  
re-enacted

ss. 16, 17 and  
s. 46 (1) (b)  
apply to  
deposits

Where ss. 106  
and 107 do  
not apply

s. 110 (a).  
amended

s. 112 (2) (d).  
repealed

Act  
amended

Idem

1978, c. 84.  
s. 2 (4, 5).  
repealed

Saving  
provision

Commence-  
ment

Idem	(2) Sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18, and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 43, 44 and 48 come into force on a day to be named by proclamation of the Lieutenant Governor.
Idem	(3) Section 39 shall be deemed to have come into force on the 1st day of January, 1979.
Short title	<b>51.</b> The short title of this Act is <i>The Registry Amendment Act, 1979</i> .







# BILL 150

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An Act to amend  
The Registry Act

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*1st Reading*

October 18th, 1979

*2nd Reading*

November 29th, 1979

*3rd Reading*

December 6th, 1979

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THE HON. FRANK DREA  
Minister of Consumer and Commercial  
Relations

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CH 20N  
XB  
-B56

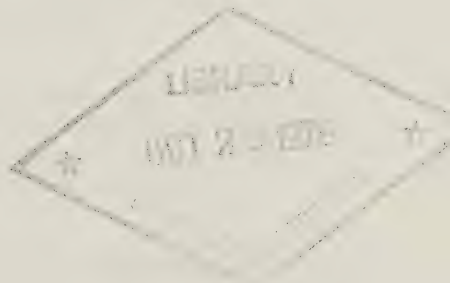
BILL 151

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Education Act, 1974

MR. MARTEL



TORONTO

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#### EXPLANATORY NOTE

The purpose of this Bill is to provide for the establishment of schools for trainable retarded children by Roman Catholic separate school boards. Divisional boards are currently authorized under the Act to establish schools for trainable retarded children. The provisions of this Bill parallel, with necessary modifications, the provisions of the Act authorizing divisional boards to establish these schools.

BILL 151

1979

## An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Education Act, 1974*, being chapter 109, is amended by adding thereto the following sections: ss. 102a-102i, enacted

102a. In sections 102b to 102i,

Interpre-  
tation

- (a) "committee" means an advisory committee on schools for trainable retarded children;
- (b) "local association" means a parent's group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board; and
- (c) "separate school board" means a county combined separate school board and a district combined separate school board and includes The Metropolitan Toronto Separate School Board.

102b.—(1) Subject to subsection 2, every separate school board shall provide adequate accommodation for the trainable retarded children who reside in the separate school zone and shall establish and maintain a school or class for the trainable retarded children who are admitted under section 102g. Programs for trainable retarded children

(2) A separate school board may, in lieu of establishing and maintaining a school or class for trainable retarded children, enter into an agreement with any other school board to provide for the instruction of the trainable retarded children who reside in the separate school zone of the first-mentioned board in a school or class for trainable retarded children under the jurisdiction of the other board and for the payment of fees in respect of such pupils. Agreement with other separate school board

(3) Where a child referred to in subsection 2 is admitted to or excluded from a school or class for trainable retarded children by Admission deemed decision of sending board

the Special Education Program Placement and Review Committee of the board that operates the school or class, such admission or exclusion shall be deemed to be a decision of the Committee for the board that requests the instruction.

Right to  
attend  
school

102c.—(1) Subject to section 102g, a trainable retarded child whose parent or guardian resides in a separate school zone has the right to attend a school or class for trainable retarded children established by the board of the separate school zone or provided under an agreement made under subsection 2 of section 102b.

Admission  
of other  
children

(2) Subject to section 102g, a separate school board may admit to a school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1.

Advisory  
committee

102d.—(1) A separate school board shall establish an advisory committee on schools for trainable retarded children.

Composition

(2) The committee shall consist of six members, of which,

(a) three shall be appointed by the separate school board from among its members; and

(b) three shall be appointed by the local association, or where there is more than one local association, three shall be appointed at a joint meeting of the associations concerned or, where there is no local association, three who are not members of the board shall be appointed by the board.

Qualifications  
of members

(3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the separate school board.

Term of  
office

(4) The members of the committee shall hold office until the expiry of the term for which the members of the separate school board were elected.

Vacancies

(5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the separate school board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant.

Quorum

102e.—(1) A majority of the members of the committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) The members of the committee shall, at their first meeting, elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting. Chairman

(3) On every motion, the chairman may vote with the other members of the committee, and any motion on which there is an equality of votes is lost. Chairman voting

(4) The separate school board shall make available to the committee such personnel and services as the board considers necessary for the proper functioning of the committee. Personnel and services available to committee

102f.—(1) The committee may make recommendations to the separate school board relating to matters affecting the establishment and development of programs, services and facilities in respect of trainable retarded children. Powers of committee

(2) Before making a decision on a recommendation of the committee, the separate school board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. Right of committee to be heard

102g. A child may be admitted to or excluded from a school or class for trainable retarded children operated by a separate school board only upon a decision of a Special Education Program Placement and Review Committee, which Committee shall be established and shall act in accordance with the regulations. Admissions. exclusions

102h. Where a separate school board provides instruction in a school or class for trainable retarded children for a pupil whose parent or guardian does not reside in the separate school zone, the board of the school division or secondary school district or separate school zone in which his parent or guardian resides, shall pay to the separate school board on behalf of the pupil a fee calculated in accordance with the regulations. Fees for non-resident pupils

102i.—(1) Where a pupil resides in a separate school zone with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the separate school zone, the board of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. Boarding of pupils where daily transportation impracticable

Certification  
of attendance

(2) For the purpose of certifying attendance under subsection 1, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Education Amendment Act, 1979*.



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# BILL 151

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An Act to amend  
The Education Act, 1974

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*1st Reading*

October 18th, 1979

*2nd Reading*

*3rd Reading*

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MR. MARTEL

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*(Private Member's Bill)*

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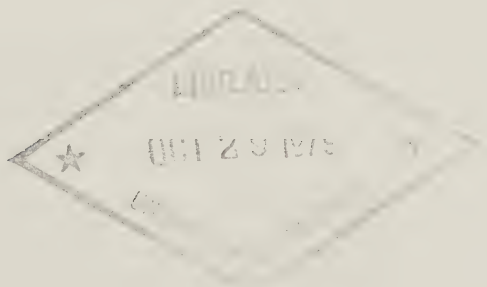
BILL 152

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend certain Acts  
respecting Regional Municipalities

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





## EXPLANATORY NOTES

### GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

PART	Page
I—Ottawa-Carleton	1
II—Niagara	5
III—York	9
IV—Waterloo	12
V—Sudbury	17
VI—Peel	21
VII—Halton	24
VIII—Hamilton-Wentworth	27
IX—Durham	31
X—Haldimand-Norfolk	35

The following five numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 5 (1), 6, 9, 11, 12, 14, 17, 20-22, 25-28, 30, 34-36, 39, 40, 42, 48, 49, 51, 55-57, 59, 61, 64, 65, 68-72, 74, 79-83, 85, 86 (3), 88, 92-96, 98, 99 (3), 100, 103, 104 (part), 105-109, 111, 113, 116-122, 124, 125 (3), 126, 129, 131-134, 136, 137 (3), 138.*

The effect of the re-enactment of these subsections is to increase from 12 per cent per annum to 15 per cent per annum the maximum rate of interest that may be charged on overdue payments whether from the Regional Corporation to an area municipality or the converse.

2. *Sections 4, 19, 33, 47, 63, 78, 91, 102, 115, 128.*

In each instance section 390a is added to those sections of *The Municipal Act* made applicable to the Regional Corporation. Section 390a authorizes the procuring of liability insurance to protect members of council or of a local board while acting in their capacity as members or officers of the council or local board.

3. *Sections 15, 31, 43, 60, 75, 86 (1, 2), 99 (1, 2), 112, 125 (1, 2), 137 (1, 2).*

The following additional provisions of *The Municipal Act* are made applicable in each instance to the Regional Corporation:

1. Paragraph 24a of section 352 relating to the custody of things of historical value or interest.

2. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with prohibiting the parking of motor vehicles on municipal property.
3. Section 455 permitting long term contracts for the purchase of machinery and appliances.

In the case of the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk also made applicable is subparagraph iii of paragraph 62*a* of subsection 1 of section 354 dealing with maintaining and repairing sewer pipes and water pipes on condominium property.

4. *Sections 3, 18, 32, 45, 62, 77, 90, 101, 114, 127.*

These sections permit a stay of proceedings in an application to the Municipal Board related to ward boundaries or the composition of council where the Minister is inquiring into the structure, organization and operations of an area municipality or the Regional Corporation.

5. *Sections 13, 29, 41, 58, 73, 84, 97, 110, 123, 135.*

The effect of the added subsection is to permit membership in credit unions.

The following amendments relate to the regional municipalities of Ottawa-Carleton, Niagara, York and Waterloo.

*Sections 7, 23, 37, 52.*

The added subsection 2 permits the Regional Council to pass by-laws for prohibiting or regulating the discharge of matter into sewers or treatment works under the jurisdiction of the Regional Corporation. Subsection 3 provides that in the event of conflict with an area municipality by-law, the Regional Council by-law prevails to the extent of the conflict.

The following amendments relate to the regional municipalities of Ottawa-Carleton and Sudbury.

*Sections 16, 76.*

Two forms are prescribed and set out in the Regional Acts; one is the oath of allegiance of the chairman and the other is the declaration of qualification of the chairman. The section added will authorize the Minister to prescribe a French-English bilingual version of these forms. The Regional Council may by by-law provide for the use of that form rather than the one set out in the Act.

The following amendments relate to the regional municipalities of Sudbury and Haldimand-Norfolk.

*Sections 67, 130 (2).*

The amendments permit the Regional Council to collect costs incurred under section 9 (4) of *The Building Code Act, 1974*, through the area municipality in which the building is situate. Section 9 (4) of that Act permits a municipality to repair or demolish unsafe buildings at the owner's expense.

The following sections of the Bill relate only to The Regional Municipality of Ottawa-Carleton:

*Section 1.*

The amendment reflects the change in status of the townships of March and Nepean which are now the cities of Kanata and Nepean respectively.

*Section 2.—Subsection 1.*

The City of Nepean Act, 1978 continued the representation of the former Township of Nepean on the Regional Council. The amendment reflects the change of status from township to city.

*Subsection 2.*

This provision permits the Minister to make an order to provide for the method of selecting the aldermen who will represent the City of Nepean on Regional Council.

*Section 5—Subsection 2.*

The Regional Corporation is given the same power as local municipalities are given under *The Municipal Act* in respect of agreements with condominium corporations for the maintenance and repair of water pipes on the condominium property.

*Section 8.*

The change to metric measurement is in relation to the distance on a highway on either side of a regional road that may be governed by a traffic-regulating by-law of the Regional Council.

*Section 10.—Subsection 1.*

The number of members on the Ottawa-Carleton Regional Transit Commission is increased from five to nine.

*Subsection 2:*

Complementary to subsection 1, the quorum requirement is raised from three to five.

The following section of the Bill applies only to The Regional Municipality of Niagara:

*Section 24.—Subsection 1.*

The re-enactment deletes the right of an area municipality to appeal to the Municipal Board if it is aggrieved by the imposition of the rate.

*Subsection 2.*

As re-enacted, the subsection requires the Municipal Board, when considering an application by the Regional Corporation for approval of the project, to disregard the method chosen by the Region to recover the costs.

*Subsection 3.*

The repealed subsection empowered the Municipal Board to direct the method by which the Region could recover the costs.

The following sections of the Bill apply only to The Regional Municipality of York:

*Section 38.*

The conversion to metric measurement is in relation to the distance from any limit of a regional road that the lands lying within which may be governed by a zoning by-law passed by the Regional Council.

The following sections of the Bill relate only to The Regional Municipality of Waterloo.

*Section 44.*

A portion of Kitchener is annexed to Waterloo and a portion of Waterloo is annexed to Kitchener.

*Section 46.*

Machinery is provided for determining membership on the Regional Council in the circumstances mentioned.

*Section 50.*

The subsections repealed empowered the Municipal Board to direct the manner in which the Regional Corporation could recover from the area municipalities the cost of sewage collection and disposal. See the Note to section 53 of the Bill.

*Section 53.*

The method or methods by which the Regional Corporation may recover from the area municipalities the cost of sewage collection are set out as well as the manner in which the area municipalities may raise the money to cover their share of the cost. The Municipal Board, when considering an application by the Regional Corporation for approval of a sewage project, is to disregard the method chosen by the Region to recover the costs.

*Section 54.*

The repealed section provided for the imposition of special sewage service rates by the Regional Corporation on an area municipality. See the Note to section 53 of the Bill as to the methods by which the Regional Corporation may recover its costs.

The following section of the Bill relates only to The Regional Municipality of Sudbury:

*Section 66.*

The Regional Council is the Planning Board of the Sudbury Planning Area; the provision of *The Planning Act* made not applicable reads as follows:

*(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board.*

The following sections of the Bill relate only to The Regional Municipality of Peel:

*Section 87.*

At present, only the Regional Corporation may acquire and sell lands for industrial purposes and make expenditures for publicity. The amend-

ment permits the area municipalities to engage in such activities in the circumstances set out in clauses *a* and *b* of the proposed amendment to subsection 2 of section 117 of the Act.

*Section 89.*

Section 142 of the Act permits the Minister, by order, to provide for the establishment of a public library board in any area municipality and to provide for the transfer of assets from any former board to the new board. The amendment permits the Minister to make such orders retroactively and deems that the Minister has always had such power.

The following section of the Bill relates to The Regional Municipality of Hamilton-Wentworth:

*Section 104.*

The amendments to subsections 6, 7, 10 and 11 of section 53*b* affect the Regional Public Transportation System. Set out below are the subsections as proposed to be re-enacted, showing underlined the changes from the existing subsections:

(6) *No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.*

(7) *Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.*

(10) *Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of The Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.*

(11) *Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.*

The following section of the Bill relates to The Regional Municipality of Haldimand-Norfolk:

*Section 130.—Subsection 1.*

The effect of the re-enactment is to make not applicable subsection 2 of section 12 of *The Planning Act*; that subsection requires a vote of the majority of all the members of the planning board to recommend a plan for adoption. See the Note to section 66 of the Bill.



BILL 152

1979

## An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 1, is repealed and the following substituted therefor: s. 1 (a),  
re-enacted

(a) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton.

- 2.—(1) Clause *f* of subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (1) (f),  
re-enacted

(f) two aldermen of the City of Nepean, to be selected in accordance with the order of the Minister.

- (2) The said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2 and 1978, chapter 33, section 1, is further amended by adding thereto the following subsection: s. 4,  
amended

(1a) The Minister may, by order, establish the method of selecting the aldermen who will represent the City of Nepean on Regional Council on and after the 1st day of December, 1980. Minister's order.  
selection of  
aldermen from  
City of  
Nepean

s. 7c,  
enacted

3. The said Act is amended by adding thereto the following section:

Stay of  
proceedings  
pending  
completion of  
inquiry

7c. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under section 7a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

4. Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 6, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 390a of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 27 (10),  
re-enacted

- 5.—(1) Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 2, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

s. 27,  
amended

- (2) The said section 27 is amended by adding thereto the following subsection:

Agreements  
with  
condominium  
corporations  
1978, c. 84

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under *The Condominium Act, 1978*, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property.

s. 31 (6),  
re-enacted

6. Subsection 6 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 4, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional

Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

7. Section 34 of the said Act is amended by adding thereto the following subsections: s. 34,  
amended

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control  
of sewage  
  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

8. Subsection 4 of section 55*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 55*b* (4),  
amended
9. Subsection 2 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 11, is repealed and the following substituted therefor: s. 64 (2),  
re-enacted

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. Default

- 10.—(1) Subsection 2 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor: s. 67*b* (2),  
re-enacted

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. Commission  
members

(2) Subsection 3 of the said section 67*b* is repealed and the following substituted therefor: s. 67*b* (3),  
re-enacted

(3) Five members of the Commission constitute a quorum. Quorum

s. 67e (6),  
re-enacted

- 11.** Subsection 6 of section 67e of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 7, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment as required by subsection 5, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 80 (3),  
re-enacted

- 12.** Subsection 3 of section 80 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 15, is repealed and the following substituted therefor:

Default

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine.

s. 90,  
amended

- 13.** Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),  
re-enacted

- 14.** Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

s. 124 (1),  
re-enacted

- 15.—(1)** Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 11, is repealed and the following substituted therefor:

Application

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354,

sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, 1977, chapter 34, section 6 and 1978, chapter 33, section 11, is further amended by adding thereto the following subsection:

(5b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 124,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

16. The said Act is amended by adding thereto the following section:

s. 138a,  
enacted

138a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Forms in  
both French  
and English  
language

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

Use of forms

17. Subsection 7 of section 140a, as re-enacted by the Statutes of Ontario, 1975, chapter 46, section 6, is repealed and the following substituted therefor:

s. 140a (7),  
re-enacted

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

## PART II

### THE REGIONAL MUNICIPALITY OF NIAGARA

18. Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 51, section 1 and 1976, chapter 43, section 14, is further amended by adding thereto the following subsection:

s. 3,  
amended

(5b) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any

Stay of pro-  
ceedings  
pending com-  
pletion of  
inquiry

application or applications and any petition or petitions made under subsection 5a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

- 19.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 19, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 28 (6),  
re-enacted

- 20.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 3, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 21.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 5, is repealed and the following substituted therefor:

Discounts  
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 22.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 23.** Section 53 of the said Act is amended by adding thereto the following subsections:

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of sewage  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

**24.**—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2 and amended by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (1),  
re-enacted

(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. Imposition of  
sewer rate

(2) Subsection 3 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (3),  
re-enacted

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of  
O.M.B. to  
undertaking,  
etc.

(3) Subsection 4 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed. s. 54 (4),  
repealed

**25.** Subsection 2 of section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 54, section 4, is repealed and the following substituted therefor: s. 62a (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under Discounts  
and penalties

the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 87 (2),  
re-enacted

- 26.** Subsection 2 of section 87 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 18, is repealed and the following substituted therefor:

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 100 (4),  
re-enacted

- 27.** Subsection 4 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 19, is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 114 (6),  
re-enacted

- 28.** Subsection 6 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 8, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117,  
amended

- 29.** Section 117 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 119 (16),  
re-enacted

- 30.** Subsection 16 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 158, section 5, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 31.**—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 25, is repealed and the following substituted therefor: s. 154 (1),  
re-enacted
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, paragraph 61 and subparagraph ii of paragraph 112 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284
- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8, 1977, chapter 34, section 10 and 1978, chapter 33, section 25, is further amended by adding thereto the following subsection: s. 154,  
amended
- (7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

- 32.** Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27, 1977, chapter 34, section 11 and 1978, chapter 33, section 27, is further amended by adding thereto the following subsection: s. 3,  
amended
- (3*d*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry
- 33.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 35, is repealed and the following substituted therefor: s. 18 (1),  
re-enacted
- (1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284
- 34.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 4, is repealed and the following substituted therefor: s. 28 (6),  
re-enacted

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 35.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 5, is repealed and the following substituted therefor:

Discounts and  
penalties

(5) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 36.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 37.** Section 53 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force.

s. 82 (1),  
amended

- 38.** Subsection 1 of section 82 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "45 metres".

- 39.** Subsection 3 of section 85 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 9, is repealed and the following substituted therefor: s. 85 (3),  
re-enacted

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 40.** Subsection 6 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 11, is repealed and the following substituted therefor: s. 109 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 41.** Section 112 of the said Act is amended by adding thereto the following subsection: s. 112,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 42.** Subsection 16 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 16, is repealed and the following substituted therefor: s. 114 (16),  
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 43.—(1)** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 42, is repealed and the following substituted therefor: s. 149 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19, 1977, chapter 34, section 15 and 1978, chapter 33, section 42, is further amended by adding thereto the following subsection: s. 149,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

## PART IV

### THE REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1b),  
re-enacted

- 44.** Subsection 1b of section 2 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1977, chapter 34, section 16, is repealed and the following substituted therefor:

Portion of  
Kitchener  
annexed to  
Waterloo

(1b) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Portion of  
Waterloo  
annexed to  
Kitchener

(1c) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Annexations  
deemed by  
Municipal  
Board orders

(1d) Subsection 3 applies with necessary modifications to the annexations provided for in subsections 1a, 1b and 1c.

s. 3,  
amended

- 45.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 43, section 38 and 1977, chapter 34, section 17, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 8 (2),  
re-enacted

- 46.** Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Where  
acclamation or  
equality of  
votes

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined

by resolution of the council of the area municipality passed before the organization meeting of the Regional Council.

- 47.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 49, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 48.** Subsection 6 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 49.** Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. Discounts and  
penalties

- 50.** Subsections 1a and 1b of section 51 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 117, section 22, are repealed. s. 51 (1a, 1b),  
repealed

- 51.** Subsection 6 of section 53 of the said Act is repealed and the following substituted therefor: s. 53 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 52.** Subsection 2 of section 56 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 2, is repealed and the following substituted therefor: s. 56 (2),  
re-enacted

(2) The Regional Council has all the authority and powers in respect of any sewers which medietely or immediately enter into Control of  
sewage

sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law of the area municipality remains in full effect and force.

s. 57,  
re-enacted

**53.** Section 57 of the said Act is repealed and the following substituted therefor:

Recovery of  
regional  
expenditures  
re sewage and  
land drainage

57.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

Municipal  
Board not to  
have regard to  
method of  
recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

How area  
municipality  
may provide  
for payment

(3) The area municipality may,

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work; R.S.O. 1970,  
c. 284
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Rates imposed  
are debt to  
Regional  
Corporation

**54.** Section 61 of the said Act is repealed. s. 61,  
repealed

**55.** Subsection 3 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

**56.** Subsection 2 of section 99 of the said Act is repealed and the following substituted therefor: s. 99 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area Responsibility  
of Regional  
Corporation

municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 116 (6),  
re-enacted

- 57.** Subsection 6 of section 116 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 120,  
amended

- 58.** Section 120 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 122 (16),  
re-enacted

- 59.** Subsection 16 of section 122 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 158 (1),  
re-enacted

- 60.—(1)** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 55, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 158,  
amended

- (2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2, 1977, chapter 34, section 21 and 1978, chapter 33, section 55, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

- 61.** Subsection 5 of section 175 of the said Act is repealed and the following substituted therefor: s. 175 (5),  
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

- 62.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1, 1975, chapter 46, section 12, 1976, chapter 43, section 50 and 1977, chapter 34, section 22, is further amended by adding thereto the following subsection: s. 3,  
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry

- 63.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 62, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with the necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 64.** Subsection 10 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 27, is repealed and the following substituted therefor: s. 29 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 65.** Subsection 10 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor: s. 31 (10),  
re-enacted

- Default (10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.
- s. 33, amended **66.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:
- R.S.O. 1970, c. 349, s. 12 (2), not to apply (2a) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the Regional Council.
- s. 33, amended **67.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:
- Collection of costs under 1974, c. 74, s. 9 (3c) Where the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.
- s. 35 (2), re-enacted **68.** Subsection 2 of section 35 of the said Act is repealed and the following substituted therefor:
- Responsibility of Regional Corporation (2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.
- s. 39 (3), re-enacted **69.** Subsection 3 of section 39 of the said Act is repealed and the following substituted therefor:
- Responsibility of Regional Corporation (3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the

Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 70.**—(1) Subsection 6 of section 49 of the said Act is repealed and the following substituted therefor: s. 49 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- (2) Subsection 9 of the said section 49 is repealed and the following substituted therefor: s. 49 (9),  
re-enacted

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Signal system  
transferred

- 71.** Subsection 3 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 72.** Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor: s. 77 (5),  
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per Default

cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 73.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (16),  
re-enacted

- 74.** Subsection 16 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 75.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 66, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph iii of paragraph 62*a*, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 115,  
amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31, 1976, chapter 70, section 30, 1977, chapter 34, section 26 and 1978, chapter 33, section 66, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 126*a*,  
enacted

- 76.** The said Act is amended by adding thereto the following section:

Forms in both  
English and  
French  
language

126*a*.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Use of forms

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

## PART VI

## THE REGIONAL MUNICIPALITY OF PEEL

- 77.** Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61 and 1977, chapter 34, section 27, is further amended by adding thereto the following subsection:

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

- 78.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 72, is revoked and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- 79.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 80.** Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 74 (6),  
re-enacted

**81.**—(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 74 (9),  
re-enacted

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

Signal systems  
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**82.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**83.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

**84.** Section 79 of the said Act is amended by adding thereto the following subsection:

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

**85.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

**86.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 78, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, 1977, chapter 34, section 31 and 1978, chapter 33, section 78, is further amended by adding thereto the following subsection: s. 115, amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455

(3) Subsection 10 of the said section 115 is repealed and the following substituted therefor: s. 115 (10), re-enacted

(10) If the Regional Corporation fails to make any payment on or before the due date required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

**87.** Subsection 2 of section 117 of the said Act is repealed and the following substituted therefor: s. 117 (2), re-enacted

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers, Application of R.S.O. 1970, c. 284

- (a) except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973; or
- (b) unless the by-law of the area municipality has been approved by the Regional Council.

s. 131 (5),  
re-enacted

- 88.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 142,  
amended

- 89.** Section 142 of the said Act is amended by adding thereto the following subsection:

Retroactive  
orders

(2) An order made under subsection 1 may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders.

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

s. 3,  
amended

- 90.** Section 3 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, 1976, chapter 43, section 73 and 1977, chapter 34, section 32, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

- 91.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 84, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- 92.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 93.** Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor: s. 58 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsi-  
bility of  
Regional Cor-  
poration

- 94.—**(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor: s. 74 (6),  
re-enacted

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- (2) Subsection 9 of the said section 74 is repealed and the following substituted therefor: s. 74 (9),  
re-enacted

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of Transfer of  
signal systems

15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

- 95.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

- 96.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 97.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes  
of 1976,  
c. 62, s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

- 98.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 99.—(1)** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 91, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI,

XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42, 1977, chapter 34, section 36 and 1978, chapter 33, section 91, is further amended by adding thereto the following subsection:

s. 115,  
amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor:

s. 115 (10),  
re-enacted

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

- 100.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

s. 131 (5),  
re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

## PART VIII

### THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- 101.** Section 3 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84 and 1977, chapter 34, section 38, is further amended by adding thereto the following subsection:

s. 3, amended

(3d) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of pro-  
ceedings  
pending com-  
pletion  
of inquiry

s. 19 (1),  
re-enacted

**102.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 98, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),  
re-enacted

**103.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53b (4, 6, 7,  
10, 11),  
re-enacted

**104.** Subsections 4, 6, 7, 10 and 11 of section 53b of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 84, section 1, are repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made.

Area municip-  
ality  
not to establish  
transportation  
service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.

Public trans-  
portation  
service,  
approval  
of Regional  
Council

(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area to be continued, etc.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.

Idem

**105.** Subsection 3 of section 58 of the said Act is repealed and the following substituted therefor:

s. 58 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility of Regional Corporation

**106.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

s. 62 (4), re-enacted

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made.

Default

**107.—**(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

s. 74 (6), re-enacted

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

s. 74 (9), re-enacted

Transfer of  
signal systems

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**108.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**109.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

**110.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

**111.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

**112.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 104, is repealed and the following substituted therefor: s. 115 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24*a*, 41, 44, 63, 64, 65, 66, 67, 67*a*, and 71*a* of section 352, subparagraph iii of paragraph 62*a* and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

(2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 84, section 2, 1977, chapter 34, section 42 and 1978, chapter 33, section 104, is further amended by adding thereto the following subsection: s. 115,  
amended

(6*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

**113.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (5),  
re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

**114.** Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1976, chapter 43, section 96 and 1977, chapter 34, section 43, is further amended by adding thereto the following subsection: s. 3,  
amended

(3*c*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any Stay of proceeding  
pending completion  
of inquiry

such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

**115.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 110, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 51 (3),  
re-enacted

**116.** Subsection 3 of section 51 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 55 (10),  
re-enacted

**117.** Subsection 10 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 56 (10),  
re-enacted

**118.** Subsection 10 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 68 (6),  
re-enacted

**119.** Subsection 6 of section 68 of the said Act is repealed and the following substituted therefor:

Default

(6) Where the Regional Corporation fails to make any payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 120.** Subsection 2 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (2),  
re-enacted

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Transfer of  
signal systems

- 121.** Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor: s. 73 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsi-  
bility of  
Regional  
Corporation

- 122.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4),  
re-enacted

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

- 123.** Section 87 of the said Act is amended by adding thereto the following subsection: s. 87,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 124.** Subsection 15 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (15),  
re-enacted

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 123 (1),  
re-enacted

**125.**—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 115, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 123,  
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, s. 52, 1977, chapter 34, section 47 and 1978, chapter 33, section 115, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 123 (10),  
re-enacted

(3) Subsection 10 of the said section 123 is repealed and the following substituted therefor:

Default

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 139 (5),  
re-enacted

**126.** Subsection 5 of section 139 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

## PART X

## THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 127.** Section 3 of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, as amended by the Statutes of Ontario, 1976, chapter 43, section 107 and 1977, chapter 34, section 48, is further amended by adding thereto the following subsection:

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 3,  
amended

Stay of  
proceedings  
pending  
completion  
of inquiry

- 128.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 121, is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 19 (1),  
re-enacted

Application of  
R.S.O. 1970,  
c. 284

- 129.** Subsection 3 of section 50 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 50 (3),  
re-enacted

Default

- 130.—**(1) Subsection 1 of section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

(1) On and after the 1st day of April, 1974, the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act*, except subsection 2 of section 12, applies with necessary modifications to the Regional Corporation.

s. 54 (1),  
re-enacted

Planning area  
R.S.O. 1970,  
c. 349

- (2) The said section 54, as amended by the Statutes of Ontario, 1978, chapter 33, section 122, is further amended by adding thereto the following subsection:

s. 54,  
amended

Collection of  
costs under  
1974, c. 74,  
s. 9

(5a) When the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974* the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 60 (2),  
re-enacted

**131.** Subsection 2 of section 60 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (5),  
re-enacted

**132.—**(1) Subsection 5 of section 76 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (8),  
re-enacted

(2) Subsection 8 of the said section 76 is repealed and the following substituted therefor:

Transfer of  
signal systems

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Force on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such

lower rate as the council of the area municipality determines, from such date until payment is made.

- 133.** Subsection 10 of section 78 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 78 (10), re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 134.** Subsection 10 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (10), re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 135.** Section 82 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 82, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 136.** Subsection 15 of section 84 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 84 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 137.—**(1) Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 126, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section Application of R.S.O. 1970, c. 284

354, paragraph 10 of section 460, section 469a and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 119,  
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57, 1977, chapter 34, section 52 and 1978, chapter 33, section 126, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 119 (11),  
re-enacted

- (3) Subsection 11 of the said section 119, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 135 (5),  
re-enacted

- 138.** Subsection 5 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Commence-  
ment

- 139.—**(1) This Act, except subsection 1 of section 2 and sections 8, 38 and 53, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 comes into force on the 1st day of December, 1980.

Idem

- (3) Sections 8 and 38 shall be deemed to have come into force on the 1st day of February, 1979.

Idem

- (4) Section 53 shall be deemed to have come into force on the 31st day of December, 1977.

Short title

- 140.** The short title of this Act is *The Regional Municipalities Amendment Act, 1979*.



An Act to amend certain Acts  
respecting Regional Municipalities

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*1st Reading*

October 19th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

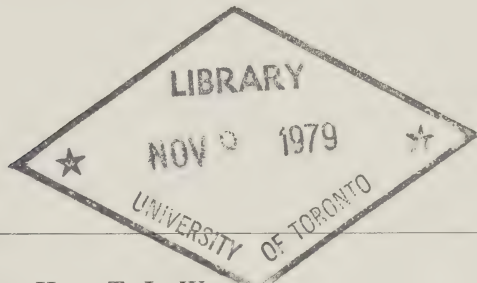
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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**An Act to amend certain Acts  
respecting Regional Municipalities**



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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Reprinted as amended by the Committee of the Whole House)*



## EXPLANATORY NOTES

### GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

PART	Page
I—Ottawa-Carleton	1
II—Niagara	5
III—York	9
IV—Waterloo	12
V—Sudbury	17
VI—Peel	21
VII—Halton	24
VIII—Hamilton-Wentworth	27
IX—Durham	31
X—Haldimand-Norfolk	35

The following five numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 5 (1), 6, 9, 11, 12, 14, 17, 20-22, 25-28, 30, 34-36, 39, 40, 42, 48, 49, 51, 55-57, 59, 61, 64, 65, 68-72, 74, 79-83, 85, 86 (3), 87, 91-95, 97, 98 (3), 99, 102, 103 (part), 104-108, 110, 112, 115-121, 123, 124 (3), 125, 128, 130-133, 135, 136 (3), 137.*

The effect of the re-enactment of these subsections is to increase from 12 per cent per annum to 15 per cent per annum the maximum rate of interest that may be charged on overdue payments whether from the Regional Corporation to an area municipality or the converse.

2. *Sections 4, 19, 33, 47, 63, 78, 90, 101, 114, 127.*

In each instance section 390a is added to those sections of *The Municipal Act* made applicable to the Regional Corporation. Section 390a authorizes the procuring of liability insurance to protect members of council or of a local board while acting in their capacity as members or officers of the council or local board.

3. *Sections 15, 31, 43, 60, 75, 86 (1, 2), 98 (1, 2), 111, 124 (1, 2), 136 (1, 2).*

The following additional provisions of *The Municipal Act* are made applicable in each instance to the Regional Corporation:

1. Paragraph 24a of section 352 relating to the custody of things of historical value or interest.

2. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with prohibiting the parking of motor vehicles on municipal property.
3. Section 455 permitting long term contracts for the purchase of machinery and appliances.

In the case of the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk also made applicable is subparagraph iii of paragraph 62*a* of subsection 1 of section 354 dealing with maintaining and repairing sewer pipes and water pipes on condominium property.

4. *Sections 3, 18, 32, 45, 62, 77, 89, 100, 113, 126.*

These sections permit a stay of proceedings in an application to the Municipal Board related to ward boundaries or the composition of council where the Minister is inquiring into the structure, organization and operations of an area municipality or the Regional Corporation.

5. *Sections 13, 29, 41, 58, 73, 84, 96, 109, 122, 134.*

The effect of the added subsection is to permit membership in credit unions.

The following amendments relate to the regional municipalities of Ottawa-Carleton, Niagara, York and Waterloo.

*Sections 7, 23, 37, 52.*

The added subsection 2 permits the Regional Council to pass by-laws for prohibiting or regulating the discharge of matter into sewers or treatment works under the jurisdiction of the Regional Corporation. Subsection 3 provides that in the event of conflict with an area municipality by-law, the Regional Council by-law prevails to the extent of the conflict.

The following amendments relate to the regional municipalities of Ottawa-Carleton and Sudbury.

*Sections 16, 76.*

Two forms are prescribed and set out in the Regional Acts; one is the oath of allegiance of the chairman and the other is the declaration of qualification of the chairman. The section added will authorize the Minister to prescribe a French-English bilingual version of these forms. The Regional Council may by by-law provide for the use of that form rather than the one set out in the Act.

The following amendments relate to the regional municipalities of Sudbury and Haldimand-Norfolk.

*Sections 67, 129 (2).*

The amendments permit the Regional Council to collect costs incurred under section 9 (4) of *The Building Code Act, 1974*, through the area municipality in which the building is situate. Section 9 (4) of that Act permits a municipality to repair or demolish unsafe buildings at the owner's expense.

The following sections of the Bill relate only to The Regional Municipality of Ottawa-Carleton:

*Section 1.*

The amendment reflects the change in status of the townships of March and Nepean which are now the cities of Kanata and Nepean respectively.

*Section 2.—Subsection 1.*

The City of Nepean Act, 1978 continued the representation of the former Township of Nepean on the Regional Council. The amendment reflects the change of status from township to city.

*Subsection 2.*

This provision permits the Minister to make an order to provide for the method of selecting the aldermen who will represent the City of Nepean on Regional Council.

*Section 5—Subsection 2.*

The Regional Corporation is given the same power as local municipalities are given under *The Municipal Act* in respect of agreements with condominium corporations for the maintenance and repair of water pipes on the condominium property.

*Section 8.*

The change to metric measurement is in relation to the distance on a highway on either side of a regional road that may be governed by a traffic-regulating by-law of the Regional Council.

*Section 10.—Subsection 1.*

The number of members on the Ottawa-Carleton Regional Transit Commission is increased from five to nine.

*Subsection 2:*

Complementary to subsection 1, the quorum requirement is raised from three to five.

The following section of the Bill applies only to The Regional Municipality of Niagara:

*Section 24.—Subsection 1.*

The re-enactment deletes the right of an area municipality to appeal to the Municipal Board if it is aggrieved by the imposition of the rate.

*Subsection 2.*

As re-enacted, the subsection requires the Municipal Board, when considering an application by the Regional Corporation for approval of the project, to disregard the method chosen by the Region to recover the costs.

*Subsection 3.*

The repealed subsection empowered the Municipal Board to direct the method by which the Region could recover the costs.

The following sections of the Bill apply only to The Regional Municipality of York:

*Section 38.*

The conversion to metric measurement is in relation to the distance from any limit of a regional road that the lands lying within which may be governed by a zoning by-law passed by the Regional Council.

The following sections of the Bill relate only to The Regional Municipality of Waterloo.

*Section 44.*

A portion of Kitchener is annexed to Waterloo and a portion of Waterloo is annexed to Kitchener.

*Section 46.*

Machinery is provided for determining membership on the Regional Council in the circumstances mentioned.

*Section 50.*

The subsections repealed empowered the Municipal Board to direct the manner in which the Regional Corporation could recover from the area municipalities the cost of sewage collection and disposal. See the Note to section 53 of the Bill.

*Section 53.*

The method or methods by which the Regional Corporation may recover from the area municipalities the cost of sewage collection are set out as well as the manner in which the area municipalities may raise the money to cover their share of the cost. The Municipal Board, when considering an application by the Regional Corporation for approval of a sewage project, is to disregard the method chosen by the Region to recover the costs.

*Section 54.*

The repealed section provided for the imposition of special sewage service rates by the Regional Corporation on an area municipality. See the Note to section 53 of the Bill as to the methods by which the Regional Corporation may recover its costs.

The following section of the Bill relates only to The Regional Municipality of Sudbury:

*Section 66.*

The Regional Council is the Planning Board of the Sudbury Planning Area; the provision of *The Planning Act* made not applicable reads as follows:

*(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board.*

The following section of the Bill relates only to The Regional Municipality of Peel:

*Section 88.*

Section 142 of the Act permits the Minister, by order, to provide for the establishment of a public library board in any area municipality and to

provide for the transfer of assets from any former board to the new board. The amendment permits the Minister to make such orders retroactively and deems that the Minister has always had such power.

The following section of the Bill relates to The Regional Municipality of Hamilton-Wentworth:

Section 128.

The amendments to subsections 6, 7, 10 and 11 of section 53*b* affect the Regional Public Transportation System. Set out below are the subsections as proposed to be re-enacted, showing underlined the changes from the existing subsections:

(6) *No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.*

(7) *Subject to subsection 5 of section 53*h*, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.*

(10) *Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.*

(11) *Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.*

The following section of the Bill relates to The Regional Municipality of Haldimand-Norfolk:

Section 129.—Subsection 1.

The effect of the re-enactment is to make not applicable subsection 2 of section 12 of *The Planning Act*; that subsection requires a vote of the majority of all the members of the planning board to recommend a plan for adoption. See the Note to section 66 of the Bill.



BILL 152

1979

## An Act to amend certain Acts respecting Regional Municipalities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

- 1.** Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 1, is repealed and the following substituted therefor: s. 1 (a),  
re-enacted

(a) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton.

- 2.—(1)** Clause *f* of subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor: s. 4 (1) (f),  
re-enacted

(f) two aldermen of the City of Nepean, to be selected in accordance with the order of the Minister.

- (2) The said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2 and 1978, chapter 33, section 1, is further amended by adding thereto the following subsection: s. 4,  
amended

(1a) The Minister may, by order, establish the method of selecting the aldermen who will represent the City of Nepean on Regional Council on and after the 1st day of December, 1980. Minister's order,  
selection of  
aldermen from  
City of  
Nepean

s. 7c,  
enacted

**3.** The said Act is amended by adding thereto the following section:

Stay of  
proceedings  
pending  
completion of  
inquiry

7c. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under section 7a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

**4.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 6, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 390a of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 27 (10),  
re-enacted

**5.—(1)** Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 2, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

s. 27,  
amended

**(2)** The said section 27 is amended by adding thereto the following subsection:

Agreements  
with  
condominium  
corporations  
  
1978, c. 84

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under *The Condominium Act, 1978*, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property.

s. 31 (6),  
re-enacted

**6.** Subsection 6 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 4, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional

Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

7. Section 34 of the said Act is amended by adding thereto the following subsections: s. 34,  
amended

(2) The Regional Council has all the authority and powers in respect of any sewers which medietely or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control  
of sewage  
  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

8. Subsection 4 of section 55*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 55*b* (4),  
amended

9. Subsection 2 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 11, is repealed and the following substituted therefor: s. 64 (2),  
re-enacted

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. Default

- 10.—(1) Subsection 2 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor: s. 67*b* (2),  
re-enacted

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. Commission  
members

- (2) Subsection 3 of the said section 67*b* is repealed and the following substituted therefor: s. 67*b* (3),  
re-enacted

(3) Five members of the Commission constitute a quorum. Quorum

s. 67e (6),  
re-enacted

- 11.** Subsection 6 of section 67e of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 7, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment as required by subsection 5, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 80 (3),  
re-enacted

- 12.** Subsection 3 of section 80 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 15, is repealed and the following substituted therefor:

Default

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine.

s. 90,  
amended

- 13.** Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),  
re-enacted

- 14.** Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

s. 124 (1),  
re-enacted

- 15.—(1)** Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 11, is repealed and the following substituted therefor:

Application

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354,

sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, 1977, chapter 34, section 6 and 1978, chapter 33, section 11, is further amended by adding thereto the following subsection:

(5b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 124,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

16. The said Act is amended by adding thereto the following section:

138a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

s. 138a,  
enacted

Forms in  
both French  
and English  
language

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

Use of forms

17. Subsection 7 of section 140a, as re-enacted by the Statutes of Ontario, 1975, chapter 46, section 6, is repealed and the following substituted therefor:

s. 140a (7),  
re-enacted

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

## PART II

### THE REGIONAL MUNICIPALITY OF NIAGARA

18. Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 51, section 1 and 1976, chapter 43, section 14, is further amended by adding thereto the following subsection:

s. 3,  
amended

(5b) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any

Stay of pro-  
ceedings  
pending com-  
pletion of  
inquiry

application or applications and any petition or petitions made under subsection 5*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

- 19.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 19, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 28 (6),  
re-enacted

- 20.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 3, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 21.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 5, is repealed and the following substituted therefor:

Discounts  
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 22.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 23.** Section 53 of the said Act is amended by adding thereto the following subsections:

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of sewage  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

**24.**—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2 and amended by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (1),  
re-enacted

(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. Imposition of  
sewer rate

(2) Subsection 3 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (3),  
re-enacted

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of  
O.M.B. to  
undertaking,  
etc.

(3) Subsection 4 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed. s. 54 (4),  
repealed

**25.** Subsection 2 of section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 54, section 4, is repealed and the following substituted therefor: s. 62a (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under Discounts  
and penalties

the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 87 (2),  
re-enacted

- 26.** Subsection 2 of section 87 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 18, is repealed and the following substituted therefor:

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 100 (4),  
re-enacted

- 27.** Subsection 4 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 19, is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 114 (6),  
re-enacted

- 28.** Subsection 6 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 8, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117,  
amended

- 29.** Section 117 of the said Act is amended by adding thereto the following subsection:

Deemed munici-  
pality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 119 (16),  
re-enacted

- 30.** Subsection 16 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 158, section 5, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 31.**—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 25, is repealed and the following substituted therefor: s. 154 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, paragraph 61 and subparagraph ii of paragraph 112 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8, 1977, chapter 34, section 10 and 1978, chapter 33, section 25, is further amended by adding thereto the following subsection: s. 154,  
amended

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

- 32.** Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27, 1977, chapter 34, section 11 and 1978, chapter 33, section 27, is further amended by adding thereto the following subsection: s. 3,  
amended

(3*d*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry

- 33.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 35, is repealed and the following substituted therefor: s. 18 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 34.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 4, is repealed and the following substituted therefor: s. 28 (6),  
re-enacted

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 35.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 5, is repealed and the following substituted therefor:

Discounts and  
penalties

(5) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 36.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 37.** Section 53 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force.

s. 82 (1),  
amended

- 38.** Subsection 1 of section 82 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "45 metres".

- 39.** Subsection 3 of section 85 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 9, is repealed and the following substituted therefor: s. 85 (3),  
re-enacted

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 40.** Subsection 6 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 11, is repealed and the following substituted therefor: s. 109 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 41.** Section 112 of the said Act is amended by adding thereto the following subsection: s. 112,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 42.** Subsection 16 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 16, is repealed and the following substituted therefor: s. 114 (16),  
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 43.—**(1) Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 42, is repealed and the following substituted therefor: s. 149 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19, 1977, chapter 34, section 15 and 1978, chapter 33, section 42, is further amended by adding thereto the following subsection: s. 149,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

## PART IV

### THE REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1b),  
re-enacted

- 44.** Subsection 1b of section 2 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1977, chapter 34, section 16, is repealed and the following substituted therefor:

Portion of  
Kitchener  
annexed to  
Waterloo

(1b) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Portion of  
Waterloo  
annexed to  
Kitchener

(1c) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Annexations  
deemed by  
Municipal  
Board orders

(1d) Subsection 3 applies with necessary modifications to the annexations provided for in subsections 1a, 1b and 1c.

s. 3,  
amended

- 45.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 43, section 38 and 1977, chapter 34, section 17, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 8 (2),  
re-enacted

- 46.** Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Where  
acclamation or  
equality of  
votes

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined

by resolution of the council of the area municipality passed before the organization meeting of the Regional Council.

- 47.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 49, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 48.** Subsection 6 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 49.** Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. Discounts and  
penalties

- 50.** Subsections 1*a* and 1*b* of section 51 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 117, section 22, are repealed. s. 51 (1*a*, 1*b*),  
repealed

- 51.** Subsection 6 of section 53 of the said Act is repealed and the following substituted therefor: s. 53 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 52.** Subsection 2 of section 56 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 2, is repealed and the following substituted therefor: s. 56 (2),  
re-enacted

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into Control of  
sewage

R.S.O. 1970,  
c. 284

Conflict

sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law of the area municipality remains in full effect and force.

s. 57,  
re-enacted

**53.** Section 57 of the said Act is repealed and the following substituted therefor:

Recovery of  
regional  
expenditures  
re sewage and  
land drainage

57.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

Municipal  
Board not to  
have regard to  
method of  
recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

How area  
municipality  
may provide  
for payment

(3) The area municipality may,

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work; R.S.O. 1970,  
c. 284
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Rates imposed  
are debt to  
Regional  
Corporation

**54.** Section 61 of the said Act is repealed.

s. 61,  
repealed

**55.** Subsection 3 of section 89 of the said Act is repealed and the following substituted therefor:

s. 89 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

**56.** Subsection 2 of section 99 of the said Act is repealed and the following substituted therefor:

s. 99 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area Responsibility  
of Regional  
Corporation

municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 116 (6),  
re-enacted

- 57.** Subsection 6 of section 116 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 120,  
amended

- 58.** Section 120 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 122 (16),  
re-enacted

- 59.** Subsection 16 of section 122 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 158 (1),  
re-enacted

- 60.—(1)** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 55, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 158,  
amended

(2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2, 1977, chapter 34, section 21 and 1978, chapter 33, section 55, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

- 61.** Subsection 5 of section 175 of the said Act is repealed and the following substituted therefor: s. 175 (5),  
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

- 62.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1, 1975, chapter 46, section 12, 1976, chapter 43, section 50 and 1977, chapter 34, section 22, is further amended by adding thereto the following subsection: s. 3,  
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry

- 63.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 62, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with the necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 64.** Subsection 10 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 27, is repealed and the following substituted therefor: s. 29 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 65.** Subsection 10 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor: s. 31 (10),  
re-enacted

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 33,  
amended

- 66.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

R.S.O. 1970,  
c. 349,  
s. 12 (2), not  
to apply

(2a) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the Regional Council.

s. 33,  
amended

- 67.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

Collection of  
costs under  
1974, c. 74,  
s. 9

(3c) Where the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 35 (2),  
re-enacted

- 68.** Subsection 2 of section 35 of the said Act is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 39 (3),  
re-enacted

- 69.** Subsection 3 of section 39 of the said Act is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the

Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 70.**—(1) Subsection 6 of section 49 of the said Act is repealed and the following substituted therefor: s. 49 (6), re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- (2) Subsection 9 of the said section 49 is repealed and the following substituted therefor: s. 49 (9), re-enacted

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Signal system transferred

- 71.** Subsection 3 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (3), re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 72.** Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor: s. 77 (5), re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per Default

cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 73.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (16),  
re-enacted

- 74.** Subsection 16 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 75.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 66, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph iii of paragraph 62*a*, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 115,  
amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31, 1976, chapter 70, section 30, 1977, chapter 34, section 26 and 1978, chapter 33, section 66, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 126*a*,  
enacted

- 76.** The said Act is amended by adding thereto the following section:

Forms in both  
English and  
French  
language

126*a*.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Use of forms

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

## PART VI

## THE REGIONAL MUNICIPALITY OF PEEL

- 77.** Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61 and 1977, chapter 34, section 27, is further amended by adding thereto the following subsection: s. 3,  
amended
- (3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion of  
inquiry
- 78.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 72, is revoked and the following substituted therefor: s. 19 (1),  
re-enacted
- (1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284
- 79.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (3),  
re-enacted
- (3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default
- 80.** Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor: s. 58 (2),  
re-enacted
- (2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility  
of Regional  
Corporation

s. 74 (6),  
re-enacted

**81.**—(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 74 (9),  
re-enacted

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

Signal systems  
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**82.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**83.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 84.** Section 79 of the said Act is amended by adding thereto the following subsection: s. 79, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 85.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 86.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 78, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, 1977, chapter 34, section 31 and 1978, chapter 33, section 78, is further amended by adding thereto the following subsection: s. 115, amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor: s. 115 (10), re-enacted

(10) If the Regional Corporation fails to make any payment on or before the due date required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

s. 131 (5),  
re-enacted

- 87.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 142,  
amended

- 88.** Section 142 of the said Act is amended by adding thereto the following subsection:

Retroactive  
orders

(2) An order made under subsection 1 may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders.

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

s. 3,  
amended

- 89.** Section 3 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, 1976, chapter 43, section 73 and 1977, chapter 34, section 32, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

- 90.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 84, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970.  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),  
re-enacted

- 91.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

(3) Where the Regional Corporation fails to make any payment Default required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 92.** Subsection 2 of section 58 of the said Act is repealed and the s. 58 (2),  
re-enacted following substituted therefor:

(2) The Regional Corporation shall pay to any area municipal- Responsi-  
bility of  
Regional Cor-  
poration ity, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 93.**—(1) Subsection 6 of section 74 of the said Act is repealed and the s. 74 (6),  
re-enacted following substituted therefor:

(6) If the Regional Corporation fails on or before the due date to Default make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- (2) Subsection 9 of the said section 74 is repealed and the following s. 74 (9),  
re-enacted substituted therefor:

(9) All signal and communication systems owned by any local Transfer of  
signal systems municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

- 94.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

- 95.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 96.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes  
of 1976,  
c. 62, s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

- 97.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 98.—(1)** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 91, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42, 1977, chapter 34, section 36 and 1978, chapter 33, section 91, is further amended by adding thereto the following subsection:

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor:

s. 115 (10), re-enacted

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

99. Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

s. 131 (5), re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

## PART VIII

### THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

100. Section 3 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84 and 1977, chapter 34, section 38, is further amended by adding thereto the following subsection:

(3d) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of proceedings pending completion of inquiry

s. 19 (1),  
re-enacted

**101.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 98, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),  
re-enacted

**102.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53b (4, 6, 7,  
10, 11),  
re-enacted

**103.** Subsections 4, 6, 7, 10 and 11 of section 53b of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 84, section 1, are repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made.

. . . . .

Area municipality  
not to establish  
transportation  
service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.

Public transportation  
service,  
approval  
of Regional  
Council

(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.

. . . . .

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area to be continued, etc.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.

Idem

**104.** Subsection 3 of section 58 of the said Act is repealed and the following substituted therefor:

s. 58 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility of Regional Corporation

**105.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

s. 62 (4), re-enacted

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made.

Default

**106.—**(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

s. 74 (6), re-enacted

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

s. 74 (9), re-enacted

Transfer of  
signal systems

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**107.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**108.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

**109.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

**110.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 111.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 104, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24*a*, 41, 44, 63, 64, 65, 66, 67, 67*a*, and 71*a* of section 352, subparagraph iii of paragraph 62*a* and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 84, section 2, 1977, chapter 34, section 42 and 1978, chapter 33, section 104, is further amended by adding thereto the following subsection: s. 115, amended

(6*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455

- 112.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (5), re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

- 113.** Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1976, chapter 43, section 96 and 1977, chapter 34, section 43, is further amended by adding thereto the following subsection: s. 3, amended

(3*c*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any Stay of proceeding pending completion of inquiry

such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

- 114.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 110, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 51 (3),  
re-enacted

- 115.** Subsection 3 of section 51 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 55 (10),  
re-enacted

- 116.** Subsection 10 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 56 (10),  
re-enacted

- 117.** Subsection 10 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 68 (6),  
re-enacted

- 118.** Subsection 6 of section 68 of the said Act is repealed and the following substituted therefor:

Default

(6) Where the Regional Corporation fails to make any payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 119.** Subsection 2 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (2), re-enacted

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Transfer of signal systems

- 120.** Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor: s. 73 (2), re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation

- 121.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4), re-enacted

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

- 122.** Section 87 of the said Act is amended by adding thereto the following subsection: s. 87, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 123.** Subsection 15 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (15), re-enacted

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 123 (1),  
re-enacted

**124.**—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 115, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 123,  
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, s. 52, 1977, chapter 34, section 47 and 1978, chapter 33, section 115, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 123 (10),  
re-enacted

(3) Subsection 10 of the said section 123 is repealed and the following substituted therefor:

Default

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 139 (5),  
re-enacted

**125.** Subsection 5 of section 139 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

## PART X

## THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 126.** Section 3 of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, as amended by the Statutes of Ontario, 1976, chapter 43, section 107 and 1977, chapter 34, section 48, is further amended by adding thereto the following subsection:

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 3,  
amended

Stay of  
proceedings  
pending  
completion  
of inquiry

- 127.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 121, is repealed and the following substituted therefor:

s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- 128.** Subsection 3 of section 50 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

s. 50 (3),  
re-enacted

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

- 129.—**(1) Subsection 1 of section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

s. 54 (1),  
re-enacted

(1) On and after the 1st day of April, 1974, the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act*, except subsection 2 of section 12, applies with necessary modifications to the Regional Corporation.

Planning area  
R.S.O. 1970,  
c. 349

- (2) The said section 54, as amended by the Statutes of Ontario, 1978, chapter 33, section 122, is further amended by adding thereto the following subsection:

s. 54,  
amended

Collection of  
costs under  
1974, c. 74,  
s. 9

(5a) When the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974* the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 60 (2),  
re-enacted

**130.** Subsection 2 of section 60 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (5),  
re-enacted

**131.—(1)** Subsection 5 of section 76 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (8),  
re-enacted

(2) Subsection 8 of the said section 76 is repealed and the following substituted therefor:

Transfer of  
signal systems

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Force on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such

lower rate as the council of the area municipality determines, from such date until payment is made.

- 132.** Subsection 10 of section 78 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 78 (10), re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 133.** Subsection 10 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (10), re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 134.** Section 82 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 82, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 135.** Subsection 15 of section 84 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 84 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 136.—(1)** Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 126, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section Application of R.S.O. 1970, c. 284

354, paragraph 10 of section 460, section 469a and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 119,  
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57, 1977, chapter 34, section 52 and 1978, chapter 33, section 126, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 119 (11),  
re-enacted

- (3) Subsection 11 of the said section 119, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 135 (5),  
re-enacted

- 137.** Subsection 5 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Commence-  
ment

- 138.—**(1) This Act, except subsection 1 of section 2 and sections 8, 38 and 53, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 comes into force on the 1st day of December, 1980.

Idem

- (3) Sections 8 and 38 shall be deemed to have come into force on the 1st day of February, 1979.

Idem

- (4) Section 53 shall be deemed to have come into force on the 31st day of December, 1977.

Short title

- 139.** The short title of this Act is *The Regional Municipalities Amendment Act, 1979*.



An Act to amend certain Acts  
respecting Regional Municipalities

*1st Reading*

October 19th, 1979

*2nd Reading*

October 23rd, 1979

*3rd Reading*

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

*(Reprinted as amended by  
the Committee of the Whole House)*

# BILL 152

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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## An Act to amend certain Acts respecting Regional Municipalities

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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TORONTO  
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BILL 152

1979

## An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 1, is repealed and the following substituted therefor:

(a) “area municipality” means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton.

- 2.—(1) Clause *f* of subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor:

(f) two aldermen of the City of Nepean, to be selected in accordance with the order of the Minister.

- (2) The said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2 and 1978, chapter 33, section 1, is further amended by adding thereto the following subsection:

(1a) The Minister may, by order, establish the method of selecting the aldermen who will represent the City of Nepean on Regional Council on and after the 1st day of December, 1980.

s. 1 (a),  
re-enacted

s. 4 (1) (f),  
re-enacted

s. 4,  
amended

Minister's order,  
selection of  
aldermen from  
City of  
Nepean

s. 7c.  
enacted

**3.** The said Act is amended by adding thereto the following section:

Stay of  
proceedings  
pending  
completion of  
inquiry

7c. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under section 7a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

**4.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 6, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 390a of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 27 (10),  
re-enacted

**5.—(1)** Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 2, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

s. 27,  
amended

(2) The said section 27 is amended by adding thereto the following subsection:

Agreements  
with  
condominium  
corporations  
  
1978. c. 84

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under *The Condominium Act, 1978*, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property.

s. 31 (6),  
re-enacted

**6.** Subsection 6 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 4, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional

Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

7. Section 34 of the said Act is amended by adding thereto the following subsections: s. 34, amended

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of sewage  
R.S.O. 1970, c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

8. Subsection 4 of section 55*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 55*b* (4), amended

9. Subsection 2 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 11, is repealed and the following substituted therefor: s. 64 (2), re-enacted

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. Default

- 10.—(1) Subsection 2 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor: s. 67*b* (2), re-enacted

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. Commission members

- (2) Subsection 3 of the said section 67*b* is repealed and the following substituted therefor: s. 67*b* (3), re-enacted

(3) Five members of the Commission constitute a quorum. Quorum

s. 67e (6),  
re-enacted

- 11.** Subsection 6 of section 67e of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 7, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment as required by subsection 5, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 80 (3),  
re-enacted

- 12.** Subsection 3 of section 80 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 15, is repealed and the following substituted therefor:

Default

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine.

s. 90,  
amended

- 13.** Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),  
re-enacted

- 14.** Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

s. 124 (1),  
re-enacted

- 15.—(1)** Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 11, is repealed and the following substituted therefor:

Application

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354,

sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, 1977, chapter 34, section 6 and 1978, chapter 33, section 11, is further amended by adding thereto the following subsection:

(5b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 124,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

16. The said Act is amended by adding thereto the following section:

138a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Forms in  
both French  
and English  
language

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

Use of forms

17. Subsection 7 of section 140a, as re-enacted by the Statutes of Ontario, 1975, chapter 46, section 6, is repealed and the following substituted therefor:

s. 140a (7),  
re-enacted

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

## PART II

### THE REGIONAL MUNICIPALITY OF NIAGARA

18. Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 51, section 1 and 1976, chapter 43, section 14, is further amended by adding thereto the following subsection:

s. 3,  
amended

(5b) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any

Stay of pro-  
ceedings  
pending com-  
pletion of  
inquiry

application or applications and any petition or petitions made under subsection 5a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),  
re-enacted

- 19.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 19, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 28 (6),  
re-enacted

- 20.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 3, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 21.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 5, is repealed and the following substituted therefor:

Discounts  
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 22.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 23.** Section 53 of the said Act is amended by adding thereto the following subsections:

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of sewage  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

**24.**—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2 and amended by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (1),  
re-enacted

(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. Imposition of  
sewer rate

(2) Subsection 3 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (3),  
re-enacted

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of  
O.M.B. to  
undertaking,  
etc.

(3) Subsection 4 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed. s. 54 (4),  
repealed

**25.** Subsection 2 of section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 54, section 4, is repealed and the following substituted therefor: s. 62a (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under Discounts  
and penalties

the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 87 (2),  
re-enacted

- 26.** Subsection 2 of section 87 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 18, is repealed and the following substituted therefor:

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 100 (4),  
re-enacted

- 27.** Subsection 4 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 19, is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 114 (6),  
re-enacted

- 28.** Subsection 6 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 8, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117,  
amended

- 29.** Section 117 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 119 (16),  
re-enacted

- 30.** Subsection 16 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 158, section 5, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 31.**—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 25, is repealed and the following substituted therefor:

s. 154 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, paragraph 61 and subparagraph ii of paragraph 112 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8, 1977, chapter 34, section 10 and 1978, chapter 33, section 25, is further amended by adding thereto the following subsection:

s. 154,  
amended

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

- 32.** Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27, 1977, chapter 34, section 11 and 1978, chapter 33, section 27, is further amended by adding thereto the following subsection:

s. 3,  
amended

(3*d*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of  
proceedings  
pending  
completion  
of inquiry

- 33.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 35, is repealed and the following substituted therefor:

s. 18 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- 34.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 4, is repealed and the following substituted therefor:

s. 28 (6),  
re-enacted

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

**35.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 5, is repealed and the following substituted therefor:

Discounts and  
penalties

(5) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

**36.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

**37.** Section 53 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970.  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force.

s. 82 (1),  
amended

**38.** Subsection 1 of section 82 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "45 metres".

- 39.** Subsection 3 of section 85 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 9, is repealed and the following substituted therefor: s. 85 (3),  
re-enacted

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 40.** Subsection 6 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 11, is repealed and the following substituted therefor: s. 109 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 41.** Section 112 of the said Act is amended by adding thereto the following subsection: s. 112,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 42.** Subsection 16 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 16, is repealed and the following substituted therefor: s. 114 (16),  
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 43.—(1)** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 42, is repealed and the following substituted therefor: s. 149 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19, 1977, chapter 34, section 15 and 1978, chapter 33, section 42, is further amended by adding thereto the following subsection: s. 149,  
amended

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

## PART IV

### THE REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1b),  
re-enacted

- 44.** Subsection 1b of section 2 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1977, chapter 34, section 16, is repealed and the following substituted therefor:

Portion of  
Kitchener  
annexed to  
Waterloo

(1b) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Portion of  
Waterloo  
annexed to  
Kitchener

(1c) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Annexations  
deemed by  
Municipal  
Board orders

(1d) Subsection 3 applies with necessary modifications to the annexations provided for in subsections 1a, 1b and 1c.

s. 3,  
amended

- 45.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 43, section 38 and 1977, chapter 34, section 17, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 8 (2),  
re-enacted

- 46.** Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Where  
acclamation or  
equality of  
votes

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined

by resolution of the council of the area municipality passed before the organization meeting of the Regional Council.

- 47.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 49, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 48.** Subsection 6 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 49.** Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2),  
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. Discounts and  
penalties

- 50.** Subsections 1a and 1b of section 51 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 117, section 22, are repealed. s. 51 (1a, 1b),  
repealed

- 51.** Subsection 6 of section 53 of the said Act is repealed and the following substituted therefor: s. 53 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 52.** Subsection 2 of section 56 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 2, is repealed and the following substituted therefor: s. 56 (2),  
re-enacted

(2) The Regional Council has all the authority and powers in respect of any sewers which medietely or immediately enter into Control of  
sewage

sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law of the area municipality remains in full effect and force.

s. 57,  
re-enacted

**53.** Section 57 of the said Act is repealed and the following substituted therefor:

Recovery of  
regional  
expenditures  
re sewage and  
land drainage

57.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

Municipal  
Board not to  
have regard to  
method of  
recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

How area  
municipality  
may provide  
for payment

(3) The area municipality may,

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work; R.S.O. 1970,  
c. 284
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Rates imposed  
are debt to  
Regional  
Corporation

**54.** Section 61 of the said Act is repealed.

s. 61,  
repealed

**55.** Subsection 3 of section 89 of the said Act is repealed and the following substituted therefor:

s. 89 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

**56.** Subsection 2 of section 99 of the said Act is repealed and the following substituted therefor:

s. 99 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area Responsibility  
of Regional  
Corporation

municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 116 (6),  
re-enacted

- 57.** Subsection 6 of section 116 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 120,  
amended

- 58.** Section 120 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 122 (16),  
re-enacted

- 59.** Subsection 16 of section 122 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 158 (1),  
re-enacted

- 60.—(1)** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 55, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 158,  
amended

(2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2, 1977, chapter 34, section 21 and 1978, chapter 33, section 55, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

- 61.** Subsection 5 of section 175 of the said Act is repealed and the following substituted therefor: s. 175 (5),  
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

- 62.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1, 1975, chapter 46, section 12, 1976, chapter 43, section 50 and 1977, chapter 34, section 22, is further amended by adding thereto the following subsection: s. 3,  
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry

- 63.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 62, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with the necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 64.** Subsection 10 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 27, is repealed and the following substituted therefor: s. 29 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 65.** Subsection 10 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor: s. 31 (10),  
re-enacted

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 33,  
amended

- 66.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

R.S.O. 1970,  
c. 349,  
s. 12 (2), not  
to apply

(2a) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the Regional Council.

s. 33,  
amended

- 67.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

Collection of  
costs under  
1974, c. 74,  
s. 9

(3c) Where the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 35 (2),  
re-enacted

- 68.** Subsection 2 of section 35 of the said Act is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 39 (3),  
re-enacted

- 69.** Subsection 3 of section 39 of the said Act is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the

Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 70.**—(1) Subsection 6 of section 49 of the said Act is repealed and the following substituted therefor: s. 49 (6), re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- (2) Subsection 9 of the said section 49 is repealed and the following substituted therefor: s. 49 (9), re-enacted

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Signal system transferred

- 71.** Subsection 3 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (3), re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 72.** Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor: s. 77 (5), re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per Default

cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 73.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act*, 1976.

s. 81 (16),  
re-enacted

- 74.** Subsection 16 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 75.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 66, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph iii of paragraph 62*a*, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 115,  
amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31, 1976, chapter 70, section 30, 1977, chapter 34, section 26 and 1978, chapter 33, section 66, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 126*a*,  
enacted

- 76.** The said Act is amended by adding thereto the following section:

Forms in both  
English and  
French  
language

126*a*.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Use of forms

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

## PART VI

## THE REGIONAL MUNICIPALITY OF PEEL

- 77.** Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61 and 1977, chapter 34, section 27, is further amended by adding thereto the following subsection:

s. 3,  
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of  
proceedings  
pending  
completion of  
inquiry

- 78.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 72, is revoked and the following substituted therefor:

s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- 79.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

s. 50 (3),  
re-enacted

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

- 80.** Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

s. 58 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility  
of Regional  
Corporation

s. 74 (6),  
re-enacted

**81.**—(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 74 (9),  
re-enacted

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

Signal systems  
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**82.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**83.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 84.** Section 79 of the said Act is amended by adding thereto the following subsection: s. 79,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 85.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15),  
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 86.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 78, is repealed and the following substituted therefor: s. 115 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, 1977, chapter 34, section 31 and 1978, chapter 33, section 78, is further amended by adding thereto the following subsection: s. 115,  
amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor: s. 115 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment on or before the due date required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

s. 131 (5),  
re-enacted

- 87.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 142,  
amended

- 88.** Section 142 of the said Act is amended by adding thereto the following subsection:

Retroactive  
orders

(2) An order made under subsection 1 may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders.

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

s. 3,  
amended

- 89.** Section 3 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, 1976, chapter 43, section 73 and 1977, chapter 34, section 32, is further amended by adding thereto the following subsection:

Stay of  
proceedings  
pending  
completion  
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

- 90.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 84, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),  
re-enacted

- 91.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

(3) Where the Regional Corporation fails to make any payment Default required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 92.** Subsection 2 of section 58 of the said Act is repealed and the s. 58 (2),  
re-enacted following substituted therefor:

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest Responsi-  
bility of  
Regional Cor-  
poration becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 93.**—(1) Subsection 6 of section 74 of the said Act is repealed and the s. 74 (6),  
re-enacted following substituted therefor:

(6) If the Regional Corporation fails on or before the due date to Default make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- (2) Subsection 9 of the said section 74 is repealed and the following s. 74 (9),  
re-enacted substituted therefor:

(9) All signal and communication systems owned by any local Transfer of  
signal systems municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

- 94.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

- 95.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

- 96.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes  
of 1976,  
c. 62, s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

- 97.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 98.—(1)** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 91, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of Ontario, s. 115, amended  
1974, chapter 5, section 4, 1974, chapter 117, section 42, 1977,  
chapter 34, section 36 and 1978, chapter 33, section 91, is  
further amended by adding thereto the following subsection:

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor: s. 115 (10), re-enacted

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

99. Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (5), re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART VIII

### THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

100. Section 3 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84 and 1977, chapter 34, section 38, is further amended by adding thereto the following subsection: s. 3, amended

(3d) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of proceedings pending completion of inquiry

s. 19 (1),  
re-enacted

- 101.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 98, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),  
re-enacted

- 102.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53b (4, 6, 7,  
10, 11),  
re-enacted

- 103.** Subsections 4, 6, 7, 10 and 11 of section 53b of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 84, section 1, are repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made.

Area municipa-  
lity  
not to establish  
transportation  
service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.

Public trans-  
portation  
service,  
approval  
of Regional  
Council

(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area to be continued, etc.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.

Idem

**104.** Subsection 3 of section 58 of the said Act is repealed and the following substituted therefor:

s. 58 (3),  
re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility of Regional Corporation

**105.** Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

s. 62 (4),  
re-enacted

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made.

Default

**106.—**(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

s. 74 (6),  
re-enacted

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

s. 74 (9),  
re-enacted

Transfer of  
signal systems

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),  
re-enacted

**107.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),  
re-enacted

**108.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

**109.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

**110.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 111.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 104, is repealed and the following substituted therefor: s. 115 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24*a*, 41, 44, 63, 64, 65, 66, 67, 67*a*, and 71*a* of section 352, subparagraph iii of paragraph 62*a* and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 84, section 2, 1977, chapter 34, section 42 and 1978, chapter 33, section 104, is further amended by adding thereto the following subsection: s. 115,  
amended

(6*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

- 112.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (5),  
re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

- 113.** Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1976, chapter 43, section 96 and 1977, chapter 34, section 43, is further amended by adding thereto the following subsection: s. 3,  
amended

(3*c*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any Stay of proceeding  
pending completion  
of inquiry

such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),  
re-enacted

- 114.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 110, is repealed and the following substituted therefor:

Application  
of R.S.O.  
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 51 (3),  
re-enacted

- 115.** Subsection 3 of section 51 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 55 (10),  
re-enacted

- 116.** Subsection 10 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 56 (10),  
re-enacted

- 117.** Subsection 10 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 68 (6),  
re-enacted

- 118.** Subsection 6 of section 68 of the said Act is repealed and the following substituted therefor:

Default

(6) Where the Regional Corporation fails to make any payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 119.** Subsection 2 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (2), re-enacted

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Transfer of signal systems

- 120.** Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor: s. 73 (2), re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation

- 121.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4), re-enacted

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

- 122.** Section 87 of the said Act is amended by adding thereto the following subsection: s. 87, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 123.** Subsection 15 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (15), re-enacted

Default	(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.
s. 123 (1), re-enacted	<b>124.</b> —(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 115, is repealed and the following substituted therefor:
Application of R.S.O. 1970, c. 284	(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of <i>The Municipal Act</i> apply with necessary modifications to the Regional Corporation.
s. 123, amended	(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, s. 52, 1977, chapter 34, section 47 and 1978, chapter 33, section 115, is further amended by adding thereto the following subsection:
Deemed municipality for purposes of R.S.O. 1970, c. 284, s. 455	(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of <i>The Municipal Act</i> .
s. 123 (10), re-enacted	(3) Subsection 10 of the said section 123 is repealed and the following substituted therefor:
Default	(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.
s. 139 (5), re-enacted	<b>125.</b> Subsection 5 of section 139 of the said Act is repealed and the following substituted therefor:
Default	(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

## PART X

## THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 126.** Section 3 of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, as amended by the Statutes of Ontario, 1976, chapter 43, section 107 and 1977, chapter 34, section 48, is further amended by adding thereto the following subsection: s. 3,  
amended
- (3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of  
proceedings  
pending  
completion  
of inquiry
- 127.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 121, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted
- (1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284
- 128.** Subsection 3 of section 50 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 50 (3),  
re-enacted
- (3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default
- 129.—**(1) Subsection 1 of section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 54 (1),  
re-enacted
- (1) On and after the 1st day of April, 1974, the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act*, except subsection 2 of section 12, applies with necessary modifications to the Regional Corporation. Planning area  
R.S.O. 1970,  
c. 349
- (2) The said section 54, as amended by the Statutes of Ontario, 1978, chapter 33, section 122, is further amended by adding thereto the following subsection: s. 54,  
amended

Collection of  
costs under  
1974, c. 74,  
s. 9

(5a) When the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974* the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 60 (2),  
re-enacted

**130.** Subsection 2 of section 60 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (5),  
re-enacted

**131.—**(1) Subsection 5 of section 76 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (8),  
re-enacted

(2) Subsection 8 of the said section 76 is repealed and the following substituted therefor:

Transfer of  
signal systems

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Force on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such

lower rate as the council of the area municipality determines, from such date until payment is made.

- 132.** Subsection 10 of section 78 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 78 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 133.** Subsection 10 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (10),  
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 134.** Section 82 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 82,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 135.** Subsection 15 of section 84 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 84 (15),  
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 136.—(1)** Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 126, is repealed and the following substituted therefor: s. 119 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section Application of  
R.S.O. 1970,  
c. 284

354, paragraph 10 of section 460, section 469a and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 119,  
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57, 1977, chapter 34, section 52 and 1978, chapter 33, section 126, is further amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
R.S.O. 1970,  
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 119 (11),  
re-enacted

- (3) Subsection 11 of the said section 119, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 135 (5),  
re-enacted

- 137.** Subsection 5 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Commence-  
ment

- 138.—**(1) This Act, except subsection 1 of section 2 and sections 8, 38 and 53, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 comes into force on the 1st day of December, 1980.

Idem

- (3) Sections 8 and 38 shall be deemed to have come into force on the 1st day of February, 1979.

Idem

- (4) Section 53 shall be deemed to have come into force on the 31st day of December, 1977.

Short title

- 139.** The short title of this Act is *The Regional Municipalities Amendment Act, 1979*.







An Act to amend certain Acts  
respecting Regional Municipalities

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*1st Reading*

October 19th, 1979

*2nd Reading*

October 23rd, 1979

*3rd Reading*

October 23rd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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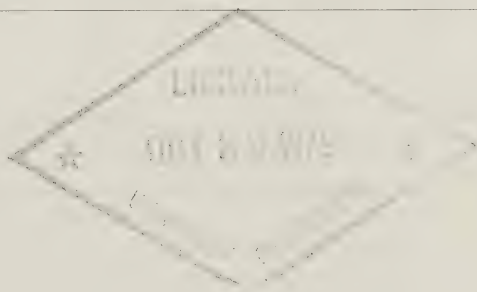
7 BILL 153

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

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## EXPLANATORY NOTES

The purpose of this Bill is to permit those parts of the Toronto Islands now being used for residential purposes to continue to be used for such purposes during the lifetime of the present occupants.

SECTION 1. This section repeals subsection 5 of section 210 of *The Municipality of Metropolitan Toronto Act*. Under subsection 1 of section 210 all lands on the Toronto Islands, except the Toronto Island Airport, were vested in the Metropolitan Corporation for park purposes. Under subsection 5, any lands not used for park purposes were to revert in the City. The repeal of subsection 5 will permit the Metropolitan Corporation to retain title to the lands on Algonquin Island and Ward's Island, notwithstanding the fact that such lands are used for residential purposes.

SECTION 2. This section enacts sections 210*a* and 210*b*, which provide as follows:

SECTION 210*a*.—Subsection 1. The Metropolitan Corporation is required to lease to the City of Toronto the lands on Algonquin Island and Ward's Island used for residential purposes on the 19th day of October, 1979. The rent under the lease is to be at market value.

Subsection 2. The Metropolitan Corporation has paid arrears of property taxes and public utilities rates with respect to some of the lands to the City of Toronto and the City is required to reimburse the Metropolitan Corporation with respect to such payments.

Subsection 3. The Metropolitan Corporation will not be responsible for arrears of taxes or public utilities rates.

Subsection 4. This subsection provides that the rent under the lease between the Metropolitan Corporation and the City of Toronto may be renegotiated at five-year intervals.

BILL 153

1979

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 210 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed. ss. 210 (5)  
repealed

2. The said Act is amended by adding thereto the following sections: ss. 210a, 210b  
enacted

210a.—(1) Notwithstanding subsection 1 of section 210, the lands on Algonquin Island and Ward's Island in the City of Toronto that on the 19th day of October, 1979, were occupied and used for residential purposes shall be leased by the Metropolitan Corporation to the City of Toronto at an amount equal to their market value rent, calculated as though such lands could legally be built upon and used for residential purposes, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by the adjudicator. Metropolitan  
Corporation  
to lease lands  
used for  
residential  
purposes to  
the City of  
Toronto

(2) Within six months of entering into the lease referred to in subsection 1, the City of Toronto shall repay to the Metropolitan Corporation all amounts paid prior to the day this Act comes into force by the Metropolitan Corporation to the City of Toronto for arrears of taxes and public utilities rates in respect of the lands referred to in subsection 1, together with all outstanding arrears of rent and occupation rent, and the City of Toronto may recover any amount so paid from the occupants referred to in subsection 6. Repayment of  
arrears of  
taxes

(3) Notwithstanding any general or special Act, the Metropolitan Corporation shall not be liable for taxes or public utilities rates, or for any outstanding arrears of taxes or public utilities rates with respect to the lands referred to in subsection 1. Metropolitan  
Corporation  
not responsible  
for arrears of  
taxes or public  
utilities rates

(4) At the request of either party, the rent referred to in subsection 1 shall be renegotiated not later than five years following the Renegotia-  
tion of rent

execution by the parties to the lease referred to in that subsection and at five year intervals thereafter, and, where the parties are unable to agree on the amount of such renegotiated rent, the rent may be determined by the adjudicator.

Leases void  
R.S.O. 1970.  
c. 236

(5) All leases, including any tenancy agreement within the meaning of Part IV of *The Landlord and Tenant Act*, licences of occupation and land use permits entered into prior to the coming into force of this Act with respect to the lands referred to in subsection 1 are hereby confirmed to be void as of the 19th day of October, 1979.

City of  
Toronto to  
offer leases

(6) On or before the 30th day of April, 1980, an occupant of residential premises on the 19th day of October, 1979, on Algonquin Island or Ward's Island, may apply to the City of Toronto for a lease of the lands on which the occupant resided or in respect of which the occupant had a leasehold interest, and the City of Toronto shall offer a lease of those lands and, subject to subsection 8, the lease shall be for the life of the occupant and shall be subject to such terms and conditions as the City of Toronto and the occupant may agree or, failing such agreement, as determined by the adjudicator, and following the execution of each such lease, a copy thereof shall be forwarded by the City of Toronto to the Metropolitan Corporation.

No assignment  
or subleasing

(7) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands leased to such occupant under this section and where any occupant purports to grant an assignment, sublease or licence of occupation, such grant is void and of no effect whatsoever.

Leases between  
City and  
occupant.  
termination

(8) Where the occupant ceases to occupy the premises that are the subject-matter of a lease entered into with the City of Toronto, the lease between the occupant and the City of Toronto shall be deemed to be terminated, and the lease with respect to that part of the lands between the Metropolitan Corporation and the City of Toronto shall be deemed to be terminated, and the Metropolitan Corporation may enter the lands and remove or demolish any buildings or structures located thereon without compensation and no further lease shall be entered into with respect to such lands.

Lease between  
Metropolitan  
Corporation  
and City.  
termination

(9) Where no lease is entered into between the City of Toronto and the occupant of a part of the lands referred to in subsection 1 by the 30th day of June, 1980, the lease with respect to that part of the lands between the Metropolitan Corporation and the City of Toronto shall be deemed to be terminated and the Metropolitan Corporation may enter the lands and remove or demolish any buildings or structures located thereon and no further lease shall be entered into with respect to such lands.

Subsection 5. All former leases on the Islands are confirmed as being void.

Subsections 6, 7. The City is required to offer leases to persons who were occupants of residential premises on the Islands on the 19th day of October, 1979 if they apply for a lease before the 30th day of April, 1980. "Occupant" is defined in subsection 19. The leases are to be for the life of the occupant but the occupant may not grant an assignment, sublease or licence of occupation with respect to the leased lands.

Subsections 8, 9. Where an occupant ceases to occupy the leased premises, the lease is forfeited and the lease between the Metropolitan Corporation and the City with respect to the particular premises is terminated at such time. The lease between the Metropolitan Corporation and the City with respect to particular premises is also terminated if the occupant fails to enter a lease with the City by the 30th day of June, 1980. The Metropolitan Corporation may enter the lands, where a lease has terminated, and remove or demolish buildings and structures located on the lands without paying compensation.

Subsection 10. Self-explanatory.

Subsection 11. Under subsection 1 of section 210, the Metropolitan Corporation is required to use the lands on Algonquin Island and Ward's Island for park purposes. This provision will enable the Metropolitan Corporation to use such lands for park purposes or for purposes related to elderly persons.

Subsection 12. The present level of municipal services on the Islands must be maintained, except where the level of similar services is decreased throughout the City of Toronto.

Subsection 13. The City of Toronto is required to pay for the municipal services provided to the residential lands on the Islands by the Metropolitan Corporation.

Subsection 14. Neither the Metropolitan Corporation nor the City of Toronto is required to upgrade the houses or municipal services on the Islands.

Subsection 15. The Minister of Intergovernmental Affairs may appoint an adjudicator to resolve disputes with respect to the matters set out in clauses *a* to *h* of this subsection.

(10) Where a lease between the City of Toronto and an occupant is terminated, the City shall forthwith give notice in writing of the termination to the Metropolitan Corporation. Notice

(11) Where a lease is terminated under subsection 8 or 9 and the Metropolitan Corporation has entered the lands which were the subject-matter of the lease, the Metropolitan Corporation may use the lands for park purposes or for purposes related to elderly persons. Use of  
lands

(12) The Metropolitan Corporation and the City of Toronto shall maintain the level of municipal services, including bus and ferry service, existing on the day this Act comes into force to the lands referred to in subsection 1, but, if a lower level of services prevails in the City of Toronto from time to time, such lower level of services may be provided. Services

(13) The City of Toronto shall pay to the Metropolitan Corporation annually such amount for expenditures made or deficits incurred by the Metropolitan Corporation with respect to the provision of municipal services, including bus and ferry service, by the Metropolitan Corporation to the lands referred to in subsection 1 as may be agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by the adjudicator. Payment for  
municipal  
services

(14) Neither the Metropolitan Corporation nor the City of Toronto is required to meet housing standards or to provide municipal services to the lands referred to in subsection 1 at a level higher than the level existing on the day this Act comes into force. Idem

(15) The Lieutenant Governor in Council may, from time to time, appoint an adjudicator who may decide, in the event of a dispute, Adjudicator

- (a) the terms and conditions of the lease between the Metropolitan Corporation and the City of Toronto;
- (b) the levels or standards of services to be provided to the lands described in subsection 1;
- (c) the responsibility for the cost of providing municipal services to the lands described in subsection 1, between the City of Toronto and the Metropolitan Corporation;
- (d) for the purposes of subsection 8, the date when a property has ceased to be occupied;
- (e) who is an occupant entitled to enter into a lease with the City of Toronto;

(f) the terms and conditions of a lease between an occupant and the City of Toronto;

(g) the terms and conditions of leases to be entered into under section 210*b*; and

(h) any other matter which may be assigned to the adjudicator for resolution by the Minister,

and the decision of the adjudicator in respect of such matters shall be final and binding.

Remuneration  
and expenses  
of adjudicator

(16) An adjudicator appointed under subsection 15 shall be paid such remuneration and expenses out of the Consolidated Revenue Fund as the Lieutenant Governor in Council may approve.

Application of  
1971, c. 47

(17) *The Statutory Powers Procedure Act, 1971* does not apply to any proceedings before the adjudicator appointed under subsection 15.

Application of  
1979, c. 78,  
R.S.O. 1970,  
c. 236

(18) *The Residential Tenancies Act, 1979* and Part IV of *The Landlord and Tenant Act* do not apply to any lease entered into under this section.

Interpre-  
tation

(19) In this section, "occupant" means,

(a) a person who on or before the 19th day of October, 1978 attained the age of majority and who on that day had a leasehold interest or claim in land on Algonquin Island or Ward's Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof; or

(b) a person who on or before the 19th day of October, 1979 attained the age of majority and who on that day was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto.

Lease of land  
to Residents  
Associations

210*b*.—(1) The Metropolitan Corporation shall offer to lease to the Algonquin Island Residents Association and to the Ward's Island Residents Association the lands on Algonquin Island and Ward's Island being occupied and used by the said associations on the 19th day of October, 1979 for recreational and social purposes.

Terms of  
leases

(2) A lease under this section shall be subject to such terms and conditions as the Metropolitan Corporation and each of the associations referred to in subsection 1 may agree and, failing such agreement, as determined by the adjudicator appointed under section 210*a*.

Subsections 16, 17, 18, 19. Self-explanatory.

SECTION 210*b*. The Metropolitan Corporation is required to lease the lands now occupied and used for recreational and social purposes by the Algonquin Island Residents Association and the Ward's Island Residents Association to the said associations on such terms and conditions as the parties may agree.



3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*. Short title

# BILL 153

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An Act to amend  
The Municipality of Metropolitan  
Toronto Act

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*1st Reading*

October 19th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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An Act to amend  
The Regional Municipality of Hamilton-Wentworth Act, 1973

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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#### EXPLANATORY NOTE

The purpose of this Bill is to transfer the power to pass by-laws respecting store closing hours under section 355 of *The Municipal Act* from the area municipalities to the Regional Council. The power to pass by-laws respecting closing hours for retail gasoline service stations will be retained by the area municipalities. Existing by-laws in area municipalities are continued in force until a by-law in relation to store closing hours is passed by the Regional Council.

BILL 154

1979

**An Act to amend  
The Regional Municipality of  
Hamilton-Wentworth Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding thereto the following section: s. 115a,  
enacted

115a.—(1) Section 355 of *The Municipal Act* applies with necessary modifications to the Regional Corporation, except that no by-law shall be passed by the Regional Council under this section with respect to retail gasoline service stations. By-laws re  
hours of  
closing of  
retail stores,  
etc.  
R.S.O. 1970.  
c. 284

(2) No area municipality shall exercise any powers under section 355 of *The Municipal Act* except with respect to retail gasoline service stations. Area  
municipalities

(3) Every by-law passed by the council of an area municipality under section 355 of *The Municipal Act* in effect on the 23rd day of October, 1979 continues to apply until a by-law passed by the Regional Council applies thereto. By-law  
continues

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1979*. Short title

# BILL 154

---

An Act to amend  
The Regional Municipality of  
Hamilton-Wentworth Act, 1973

---

*1st Reading*

October 23rd, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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B  
016

3  
BILL 154

3RD SESSION, 31ST LEGISLATURE, <sup>L</sup>ONTARIO  
28 ELIZABETH II, 1979

*Regulation Henry*

An Act to amend  
The Regional Municipality of Hamilton-Wentworth Act, 1973

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 154

1979

**An Act to amend  
The Regional Municipality of  
Hamilton-Wentworth Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding thereto the following section:

s. 115a,  
enacted

115a.—(1) Section 355 of *The Municipal Act* applies with necessary modifications to the Regional Corporation, except that no by-law shall be passed by the Regional Council under this section with respect to retail gasoline service stations.

By-laws re  
hours of  
closing of  
retail stores,  
etc.

R.S.O. 1970,  
c. 284

(2) No area municipality shall exercise any powers under section 355 of *The Municipal Act* except with respect to retail gasoline service stations.

Area  
municipalities

(3) Every by-law passed by the council of an area municipality under section 355 of *The Municipal Act* in effect on the 23rd day of October, 1979 continues to apply until a by-law passed by the Regional Council applies thereto.

By-law  
continues

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1979*.

Commence-  
ment

Short title

# BILL 154

---

An Act to amend  
The Regional Municipality of  
Hamilton-Wentworth Act, 1973

---

*1st Reading*

October 23rd, 1979

*2nd Reading*

December 17th, 1979

*3rd Reading*

December 18th, 1979

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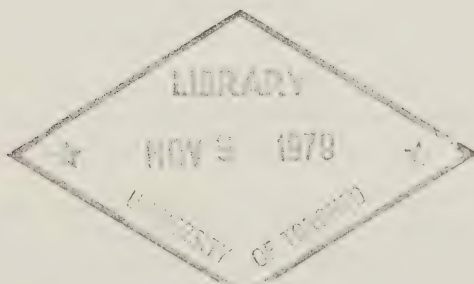
THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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3RD SESSION, 31ST LEGISLATURE, <sup>T</sup>ONTARIO  
28 ELIZABETH II, 1979

An Act to provide  
for Uniform Retail Store Closing Hours

MR. ISAACS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to establish standard hours during which retail stores may remain open. The Bill provides that retail stores must close no later than 6 o'clock in the afternoon on business days, except Thursdays and Fridays when such stores must close no later than 9.00 o'clock in the afternoon. Any retail business that is exempted from the requirements of *The Retail Business Holidays Act, 1975 (2nd Session)* is also exempted from the requirements of this Bill.

BILL 155

1979

## An Act to provide for Uniform Retail Store Closing Hours

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) “business day” means any day that is not a holiday as defined in *The Retail Business Holidays Act, 1975 (2nd Session)* or proclaimed as a civic holiday;

1975 (2nd  
Session),  
c. 9

(b) “municipality” means the corporation of a county, city, town, village, township or improvement district or of a district, metropolitan or regional municipality;

(c) “retail business” means the selling or offering for sale of goods or services by retail;

(d) “retail business establishment” means the premises where a retail business is carried on.

**2.** No person shall carry on a retail business at a retail business establishment after the hour of 6 o’clock in the afternoon of a business day, other than a Thursday or Friday and 9.00 o’clock in the afternoon of a business day that is a Thursday or Friday.

Uniform  
store closing  
hours

**3.—(1)** Section 2 does not apply to the carrying on of any retail business if the carrying on of that business is exempt from section 3 of *The Retail Business Holidays Act, 1975 (2nd Session)*.

Exemption

(2) Notwithstanding section 2, the council of a municipality may, by by-law, permit all or a class of retail business establishments within the municipality to remain open until 9.00 o’clock in the afternoon for each business day during any one week in each calendar year.

Idem

**4.** Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business

Powers of  
municipalities

does not include the power to permit the carrying on of a retail business where to do so is prohibited by this Act.

Reference  
to time

**5.** During that period of the year when daylight saving time is commonly recognized, a reference to time in this Act is a reference to daylight saving time and not standard time.

Offence

**6.**—(1) Every person who contravenes section 2 and every director or officer of a corporation who knowingly concurs in a contravention of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** The short title of this Act is *The Uniform Retail Store Closing Hours Act, 1979*.







An Act to provide for  
Uniform Retail Store Closing Hours

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*1st Reading*

October 23rd, 1979

*2nd Reading*

*3rd Reading*

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MR. ISACS

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*(Private Member's Bill)*

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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An Act to amend The Securities Act, 1978

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THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations

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#### EXPLANATORY NOTES

SECTION 1. Paragraph 24 of subsection 1 of section 1 now reads as follows:

24. *“misrepresentation” means,*

- i. an untrue statement of material fact, or*
- ii. an omission to state a material fact.*

The amendment clarifies the nature of an omission that will be interpreted as a misrepresentation.

SECTION 2. The amendment clarifies the powers of the Commission where hearings of the Commission and other securities commissions are combined to deal with circumstances involving identical or similar issues and parties.

SECTION 3. The paragraph is re-enacted to clarify that the exemption from registration requirements provided by section 34 of the Act applies to an isolated trade by or on behalf of an issuer in a specific security of its own issue.

SECTION 4. The amendment is complementary to the amendment contained in section 7 of the Bill.

BILL 156

1979

## An Act to amend The Securities Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 24 of subsection 1 of section 1 of *The Securities Act, 1978*, being chapter 47, is repealed and the following substituted therefor:
 

s. 1 (1),  
par. 24,  
subpar. ii,  
re-enacted

  - ii. an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.
  
2. Section 2 of the said Act is amended by adding thereto the following subsection:
 

s. 2,  
amended

  - (4) The Commission may hold hearings in or outside Ontario in conjunction with any other body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

Hearings in  
conjunction  
with other  
securities  
commissions
  
3. Paragraph 2 of subsection 1 of section 34 of the said Act is repealed and the following substituted therefor:
 

s. 34 (1),  
par. 2,  
re-enacted

  2. An isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, or by or on behalf of an owner in a specific security, for the owner's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.
  
- 4.—(1) Subsection 1 of section 57 of the said Act is amended by inserting after "3" in the first line "of this section and subsection 2 of section 62".
 

s. 57 (1),  
amended

s. 57 (2),  
amended

(2) Subsection 2 of the said section 57 is amended by inserting after “3” in the first line “of this section and subsection 2 of section 62”.

s. 58 (1),  
amended

5. Subsection 1 of section 58 of the said Act is amended by adding at the commencement thereof “Subject to subsection 2 of section 62”.

s. 60 (1),  
amended

6. Subsection 1 of section 60 of the said Act is amended by inserting after “2” in the first line “of this section and subsection 4 of section 62”.

s. 62,  
re-enacted

7. Section 62 of the said Act is repealed and the following substituted therefor:

Short form  
prospectus

62.—(1) A person or company may, if permitted by the regulations, file a short form of preliminary prospectus and a short form of prospectus in the prescribed form under section 52, or a short form of *pro forma* prospectus and a short form of prospectus in the prescribed form under section 61, and any such prospectus that complies with the regulations applicable thereto shall, for the purposes of section 55, be considered to provide sufficient disclosure of all material facts relating to the securities issued or proposed to be distributed under the prospectus.

Alternative  
certificates

(2) A short form prospectus may contain one or more forms of certificate to be signed as alternatives to the forms of certificate set out in subsections 1 and 2 of section 57 and subsection 1 of section 58 and, where any such certificate in a short form prospectus is used in accordance with the regulations, it is not necessary to use the alternative certificate required by subsections 1 and 2 of section 57 and subsection 1 of section 58, as the case may be.

Summary  
statement

(3) A person or company may, if permitted by the regulations, file a summary statement as a separate document in the prescribed form together with a prospectus filed under section 52 or 61.

Refusal of  
summary  
statement

(4) Where a summary statement is filed with a prospectus, the Director shall not issue a receipt for the prospectus if it appears to him that the summary statement does not comply with the regulations applicable thereto.

Delivery of  
summary  
statement

(5) A summary statement filed with a prospectus for which a receipt has been issued may be sent or delivered by a dealer to a purchaser of securities instead of a prospectus as required in section 70, and, where a dealer so elects, the provisions of sections 70 and 130 with respect to a prospectus apply with necessary modifications to a summary statement.

Delivery of  
prospectus  
on request

(6) Every summary statement sent or delivered to a purchaser shall contain a statement informing the purchaser that a copy of

SECTION 5. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 6. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 7. The amendment replaces section 62 of the Act. The provision being repealed places a duty on dealers to notify the Commission at the beginning and conclusion of a distribution to the public. Since the information filed with the Commission under this section has not been applied to any particular purpose, the section is not required.

The new section 62 provides for the use of short form prospectuses and summary statements. A short form prospectus may be filed by persons or companies permitted by the regulations for the purpose of meeting the prospectus requirements of the Act as an alternative to filing a longer form of prospectus. A summary statement may be distributed by persons or companies permitted by the regulations as an alternative to the distribution of a prospectus under section 70 of the Act. A provision requires that every summary statement shall contain a statement informing a person who receives a summary statement that a copy of the prospectus will be made available to the purchaser upon request.

SECTION 8. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 9.—Subsection 1. The amendment is complementary to the amendment contained in section 3 of the Bill. The clause is re-enacted to clarify that the exemption from prospectus requirements provided by section 71 of the Act applies to an isolated trade by or on behalf of an issuer in a specific security of its own issue.

Subsection 2. The current wording of section 71 (7) (b) (i) indicates that the notice therein referred to must be filed before each trade. The amendment requires only that the notice be filed before the first trade in the series of trades that may be required to effect the distribution.

SECTION 10. Subsection 1 of section 73 now reads as follows:

*(1) The Commission may, upon the application of an interested person or company, rule that an intended trade is not subject to section 24 or 52 where it is satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.*

The provision, as re-enacted, permits the Commission to exempt a trade, security, person or company as well as an intended trade from the requirements of section 24 or 52.

the prospectus which was filed with the summary statement will be provided to the purchaser on request, and each person or company who signs or causes to be signed, as the case may be, the certificate contained in the prospectus shall ensure compliance with any such request.

(7) Where, during the distribution or distribution to the public of a security under a prospectus, an order is made to cease trading in the security, or the receipt issued by the Director for the prospectus is revoked or the prospectus lapses or the use of a prospectus is otherwise prohibited by the Act, the regulations or by a decision of the Commission or an order of a court, a summary statement filed with the prospectus shall cease to have force and effect for the purposes of section 70 unless the Director otherwise orders.

Summary statement without force and effect

(8) Nothing in this section shall be construed to provide relief from liability arising under section 126 where a misrepresentation is contained in a prescribed short form prospectus and, for the purposes of section 126, where a misrepresentation is contained in a summary statement filed with a prospectus, the misrepresentation shall be deemed to be contained in the prospectus.

Liability not affected

8. Subsection 3 of section 69 of the said Act is amended by striking out “and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities” in the third and fourth lines.

s. 69 (3). amended

9.—(1) Clause *b* of subsection 1 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (1) (b). re-enacted

(b) the trade is an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

(2) Subclause *i* of clause *b* of subsection 7 of the said section 71 is amended by striking out “proposed trade” in the fifth line and inserting in lieu thereof “first trade made to carry out the distribution”.

s. 71 (7) (b) (i). amended

10. Subsection 1 of section 73 of the said Act is repealed and the following substituted therefor:

s. 73 (1). re-enacted

(1) The Commission may, upon the application of an interested person or company, rule that any trade, intended trade, security, person or company is not subject to section 24 or 52 where it is

Exemption order

satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.

s. 76,  
re-enacted

**11.** Section 76 of the said Act is repealed and the following substituted therefor:

Interim  
financial  
statements

76.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the periods commencing with the beginning of that year and ending nine, six and three months respectively before the date on which that year ends, but no interim financial statement is required to be filed for any period that is less than three months in length;
- (b) where the reporting issuer has completed its first financial year, to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of each of the corresponding periods in the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date on which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed;
- (b) where the reporting issuer has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

s. 88 (2),  
amended

**12.**—(1) Subsection 2 of section 88 of the said Act is amended by striking out “Subject to section 91” in the first line and inserting in lieu thereof “Subject to subsection 1 of section 91”.

SECTION 11. The re-enactment of section 76 clarifies that each reporting issuer is required to file a cumulative interim financial statement at the end of each three month period in a financial year. Clause *a* in subsection 1 and clause *a* in subsection 2 of section 76 set out slightly different procedures to apply where a reporting issuer has not completed its first financial year in order to ensure that comparable reporting periods are established for the first financial year and subsequent years.

SECTION 12.—Subsection 1. The amendment clarifies the application of subsection 2 of section 88 of the Act (exempted take-over bids).

Subsection 2. Clause *d* of subsection 2 of section 88 now reads as follows, showing underlined the portion of the clause amended:

- (d) *it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates, within any period of twelve consecutive months in reliance on the exemptions provided by this subsection, shall not exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or*

The amendment relates the operation of the take-over bid exemption provided by clause *d* of subsection 2 to the exemption set out in clause *a* only, rather than to all the exemptions set out in the subsection.

Subsection 3. Clause *a* of subsection 3 of section 88 now reads as follows:

- (3) *An issuer bid is exempted from the requirements of this Part where,*
- (a) *the securities are purchased, redeemed or otherwise acquired in accordance with the terms and conditions agreed to at the time they were issued or subsequently varied by amendment of the documents setting out those terms and conditions, or are acquired to meet sinking fund requirements or from an employee of the issuer or an employee of an affiliate.*

The amendment clarifies the nature of the exemption available under clause *a*.

SECTION 13.—Subsection 1. The amendment prevents an offeror from frustrating acceptance of the offer contained in the take-over bid circular by his own purchases in the market.

Subsections 2, 3, 4. The amendments are housekeeping in nature.

- (2) Clause *d* of subsection 2 of the said section 88 is repealed and the following substituted therefor: s. 88 (2) (*dd*).  
re-enacted

(*d*) it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeree, his associates or affiliates within any period of twelve consecutive months in reliance on the exemption provided by this clause shall not, when aggregated with acquisitions made under clause *a* during the same twelve-month period, exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or

- (3) Clause *a* of subsection 3 of the said section 88 is repealed and the following substituted therefor: s. 88 (3) (*a*).  
re-enacted

(*a*) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or the securities are acquired to meet sinking fund requirements or are acquired from an employee of the issuer or an employee of an affiliate.

**13.—**(1) Paragraph 10 of subsection 1 of section 89 of the said Act is amended by adding at the end thereof “but those securities shall be counted in the determination of whether a condition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled”. s. 89 (1),  
par. 10,  
amended

- (2) Paragraph 12 of subsection 1 of the said section 89 is amended by striking out “to withdraw the offer if” in the second line and inserting in lieu thereof “not to take up and pay for shares deposited if”. s. 89 (1),  
par. 12,  
amended

- (3) Clause *b* of paragraph 12 of subsection 1 of the said section 89 is amended by striking out “or” in the fifth line and inserting in lieu thereof “and” and by striking out “that” in the seventh line. s. 89 (1),  
par. 12 (*b*),  
amended

- (4) Paragraph 13 of subsection 1 of the said section 89 is amended by striking out “making” in the fourth line and inserting in lieu thereof “date”. s. 89 (1),  
par. 13,  
amended

s. 90 (1),  
re-enacted

**14.—(1)** Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Notice of  
variation in  
take-over bid  
or issuer  
bid

(1) Where a significant change has occurred in the information contained in a take-over bid circular or issuer bid circular while the offer is still outstanding or where a take-over bid or an issuer bid has been varied by changing any of its terms, every person or company whose shares have not been taken up and paid for and who has been sent the take-over bid circular or issuer bid circular shall be sent notice of such change or variation and,

- (a) except where the variation or change is solely an increase in the amount of cash offered or relates to some other matter prescribed in the regulations for purposes of clause *b*, the date of the take-over bid or issuer bid shall, for the purposes of paragraphs 3 and 4 of subsection 1 of section 89, be deemed to be the date of the sending of the notice of such change or variation, and if the twenty-one day period referred to in paragraph 2 of that subsection or the thirty-five day period referred to in paragraphs 7 and 13 of that subsection would otherwise expire less than ten days after the date of the sending of the notice of such change or variation then paragraphs 2, 7 and 13 shall be read as if the periods therein referred to expire ten days after the date of the sending of such notice of change or variation; and
- (b) where the variation or change is solely an increase in the amount of cash offered or relates to some other matter prescribed in the regulations for purposes of this clause, then the period in which securities may be deposited shall not expire less than three business days after the sending of the notice of change or variation and the time periods referred to in paragraphs 2, 7 and 13 of subsection 1 of section 89 shall be extended to the extent necessary to permit compliance with this clause,

but a variation in the terms of an offer shall not result in an extension of the thirty-five day period referred to in paragraphs 7 and 13 of subsection 1 of section 89 unless the offeror files with the Commission a certificate of two senior officers duly authorized to execute the certificate that the variation is made for proper business purposes and not merely to obtain an extension of that period.

s. 90,  
amended

- (2) The said section 90 is amended by adding thereto the following subsection:

Idem

(1a) For purposes of subsection 1, a change that is not within the control of the offeror or of an affiliate of the offeror shall not be considered to be significant unless it is a material change affecting

SECTION 14.—Subsection 1. Subsection 1 of section 90, as re-enacted, clarifies the manner in which the time available for accepting take-over bids is extended when significant as well as relatively insignificant variations or changes are introduced into the bid.

Subsection 2. The new subsection 1a of section 90 clarifies the types of significant changes and variations in take-over bids or issuer bids that invoke the notice requirements set out in subsection 1 of section 90.

SECTION 15. The proposed amendment to section 99 provides a mechanism for avoiding interjurisdictional conflicts where the time periods in other jurisdictions related to a take-over bid or an issuer bid are different than the time periods set out in sections 89 and 90 of the Act.

SECTION 16. Section 131 makes every person or company in a special relationship with a reporting issuer liable for damages resulting from the improper use of his knowledge of a material fact or material change related to the reporting issuer that has not been generally disclosed.

The amendments clarify that it is the person or company in a special relationship with a reporting issuer who is liable for damages under the section. The amendments also clarify the circumstances in which a person or company in a special relationship with a reporting issuer will be held accountable for a gain arising from a transaction involving the improper use of information.

the affairs of the issuer of securities being offered in exchange for securities of the offeree company and, while an offer is outstanding, the exercise of a right contained in a take-over bid or an issuer bid to modify the terms of the offer or to waive a condition of the offer shall be considered to be a variation which changes the terms of the take-over bid or the issuer bid.

- 15.** Section 99 of the said Act is amended by adding thereto the following clause: s. 99, amended

- (f) change the time periods set out in sections 89 and 90 in their application to take-over bids or issuer bids that are subject to corresponding requirements, but with different time periods, imposed under applicable legislation of Canada or of a province or territory of Canada, and such change shall apply to take-over bids or issuer bids that satisfy the criteria set out in the order of the Commission making the change.

- 16.—**(1) Subsections 1 and 2 of section 131 of the said Act are repealed and the following substituted therefor: s. 131 (1, 2), re-enacted

(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with a reporting issuer who, directly or indirectly, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter sells securities of the reporting issuer is liable to compensate the purchaser of the securities for damages as a result of the trade unless, Liability of person or company in special relationship with a reporting issuer where material fact or change undisclosed

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the purchaser; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed Idem

and every person or company in a special relationship with the reporting issuer who, directly or indirectly, and, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter purchases securities of the reporting issuer is liable to compensate the vendor of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the vendor; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

s. 131 (4, 5),  
re-enacted

- (2) Subsections 4 and 5 of the said section 131 are repealed and the following substituted therefor:

Account-  
ability  
for gain

(4) Every person or company in a special relationship with a reporting issuer who is an insider or an associate or affiliate of the reporting issuer and who,

- (a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or
- (b) directly or indirectly communicates, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed to another person or company who thereafter sells or purchases securities of the reporting issuer,

is accountable to the reporting issuer for any benefit or advantage received or receivable by him or it as a result of the purchase, sale or communication, as the case may be, unless,

- (c) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;



SECTION 17.—Subsection 1. Paragraph 1 of section 139 is re-enacted in order to provide regulation-making authority for the purposes of the new section 62 of the Act contained in section 7 of the Bill. The provision, as re-enacted, also permits the Lieutenant Governor in Council to delegate authority to the Director to allocate persons and companies to prescribed categories of persons and companies.

Subsection 2. The amendment creates two additional regulation-making powers. Paragraph 8*a* expands the authority currently provided by paragraph 8 of section 139 to make regulations governing the furnishing of information to the public or to the Commission by a registrant. Paragraph 27*a* permits the Lieutenant Governor in Council to require, by regulation, that an issuer or class of issuers comply with the continuous disclosure provisions of the Act.

- (d) the material fact or material change was known or ought reasonably to have been known to the purchaser or vendor of the securities, as the case may be;
- (e) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling or purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection 1 or 2 as to the same transaction or series of transactions, their liability is joint and several. Liability, joint and several

**17.**—(1) Paragraph 1 of section 139 of the said Act is repealed and the following substituted therefor: s. 139, par. 1, re-enacted

- 1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, including permitting the Director to make such allocations, and prescribing the form and content of and governing the use of prospectuses, preliminary prospectuses, *pro forma* prospectuses, summary statements and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories.

(2) The said section 139 is amended by adding thereto the following paragraphs: s. 139, amended

- 8a. governing the furnishing of information by a registrant or class of registrants to a person or company recognized by the Commission and governing the payment of fees with respect thereto;

. . . . .

27a. requiring any issuer or class of issuers to comply with Part XVII or any provision thereof.

**18.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

**19.** The short title of this Act is *The Securities Amendment Act, 1979*. Short title

BILL 156

An Act to amend  
The Securities Act, 1978

*1st Reading*

October 23rd, 1979

*2nd Reading*

*3rd Reading*

THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

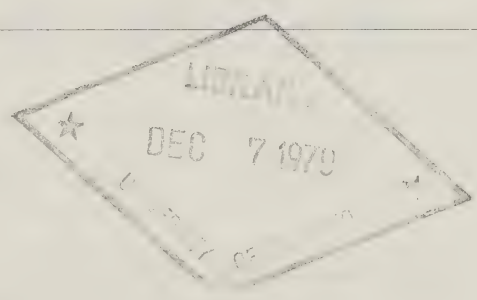
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Securities Act, 1978

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1. Paragraph 24 of subsection 1 of section 1 now reads as follows:

24. "*misrepresentation*" means,

- i. an untrue statement of material fact, or*
- ii. an omission to state a material fact.*

The amendment clarifies the nature of an omission that will be interpreted as a misrepresentation.

SECTION 2. The amendment clarifies the powers of the Commission where hearings of the Commission and other securities commissions are combined to deal with circumstances involving identical or similar issues and parties.

SECTION 3. The paragraph is re-enacted to clarify that the exemption from registration requirements provided by section 34 of the Act applies to an isolated trade by or on behalf of an issuer in a specific security of its own issue.

SECTION 4. The amendment is complementary to the amendment contained in section 7 of the Bill.

BILL 156

1979

## An Act to amend The Securities Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 24 of subsection 1 of section 1 of *The Securities Act, 1978*, being chapter 47, is repealed and the following substituted therefor:
 

s. 1 (1),  
par. 24,  
subpar. ii,  
re-enacted

  - ii. an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.
  
2. Section 2 of the said Act is amended by adding thereto the following subsection:
 

s. 2,  
amended

  - (4) The Commission may hold hearings in or outside Ontario in conjunction with any other body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

Hearings in  
conjunction  
with other  
securities  
commissions
  
3. Paragraph 2 of subsection 1 of section 34 of the said Act is repealed and the following substituted therefor:
 

s. 34 (1),  
par. 2,  
re-enacted

  2. An isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, or by or on behalf of an owner in a specific security, for the owner's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.
  
- 4.—(1) Subsection 1 of section 57 of the said Act is amended by inserting after "3" in the first line "of this section and subsection 2 of section 62".
 

s. 57 (1),  
amended

s. 57 (2),  
amended

(2) Subsection 2 of the said section 57 is amended by inserting after “3” in the first line “of this section and subsection 2 of section 62”.

s. 58 (1),  
amended

5. Subsection 1 of section 58 of the said Act is amended by adding at the commencement thereof “Subject to subsection 2 of section 62”.

s. 60 (1),  
amended

6. Subsection 1 of section 60 of the said Act is amended by inserting after “2” in the first line “of this section and subsection 4 of section 62”.

s. 62,  
re-enacted

7. Section 62 of the said Act is repealed and the following substituted therefor:

Short form  
prospectus

62.—(1) A person or company may, if permitted by the regulations, file a short form of preliminary prospectus and a short form of prospectus in the prescribed form under section 52, or a short form of *pro forma* prospectus and a short form of prospectus in the prescribed form under section 61, and any such prospectus that complies with the regulations applicable thereto shall, for the purposes of section 55, be considered to provide sufficient disclosure of all material facts relating to the securities issued or proposed to be distributed under the prospectus.

Alternative  
certificates

(2) A short form prospectus may contain one or more forms of certificate to be signed as alternatives to the forms of certificate set out in subsections 1 and 2 of section 57 and subsection 1 of section 58 and, where any such certificate in a short form prospectus is used in accordance with the regulations, it is not necessary to use the alternative certificate required by subsections 1 and 2 of section 57 and subsection 1 of section 58, as the case may be.

Summary  
statement

(3) A person or company may, if permitted by the regulations, file a summary statement as a separate document in the prescribed form together with a prospectus filed under section 52 or 61.

Refusal of  
summary  
statement

(4) Where a summary statement is filed with a prospectus, the Director shall not issue a receipt for the prospectus if it appears to him that the summary statement does not comply with the regulations applicable thereto.

Delivery of  
summary  
statement

(5) A summary statement filed with a prospectus for which a receipt has been issued may be sent or delivered by a dealer to a purchaser of securities instead of a prospectus as required in section 70, and, where a dealer so elects, the provisions of sections 70 and 130 with respect to a prospectus apply with necessary modifications to a summary statement.

Delivery of  
prospectus  
on request

(6) Every summary statement sent or delivered to a purchaser shall contain a statement informing the purchaser that a copy of

SECTION 5. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 6. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 7. The amendment replaces section 62 of the Act. The provision being repealed places a duty on dealers to notify the Commission at the beginning and conclusion of a distribution to the public. Since the information filed with the Commission under this section has not been applied to any particular purpose, the section is not required.

The new section 62 provides for the use of short form prospectuses and summary statements. A short form prospectus may be filed by persons or companies permitted by the regulations for the purpose of meeting the prospectus requirements of the Act as an alternative to filing a longer form of prospectus. A summary statement may be distributed by persons or companies permitted by the regulations as an alternative to the distribution of a prospectus under section 70 of the Act. A provision requires that every summary statement shall contain a statement informing a person who receives a summary statement that a copy of the prospectus will be made available to the purchaser upon request.

SECTION 8. The amendment is complementary to the amendment contained in section 7 of the Bill.

SECTION 9.—Subsection 1. The amendment is complementary to the amendment contained in section 3 of the Bill. The clause is re-enacted to clarify that the exemption from prospectus requirements provided by section 71 of the Act applies to an isolated trade by or on behalf of an issuer in a specific security of its own issue.

Subsection 2. The current wording of section 71 (7) (b) (i) indicates that the notice therein referred to must be filed before each trade. The amendment requires only that the notice be filed before the first trade in the series of trades that may be required to effect the distribution.

SECTION 10. Subsection 1 of section 73 now reads as follows:

- (1) *The Commission may, upon the application of an interested person or company, rule that an intended trade is not subject to section 24 or 52 where it is satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.*

The provision, as re-enacted, permits the Commission to exempt a trade, security, person or company as well as an intended trade from the requirements of section 24 or 52.

the prospectus which was filed with the summary statement will be provided to the purchaser on request, and each person or company who signs or causes to be signed, as the case may be, the certificate contained in the prospectus shall ensure compliance with any such request.

(7) Where, during the distribution or distribution to the public of a security under a prospectus, an order is made to cease trading in the security, or the receipt issued by the Director for the prospectus is revoked or the prospectus lapses or the use of a prospectus is otherwise prohibited by the Act, the regulations or by a decision of the Commission or an order of a court, a summary statement filed with the prospectus shall cease to have force and effect for the purposes of section 70 unless the Director otherwise orders.

Summary statement without force and effect

(8) Nothing in this section shall be construed to provide relief from liability arising under section 126 where a misrepresentation is contained in a prescribed short form prospectus and, for the purposes of section 126, where a misrepresentation is contained in a summary statement filed with a prospectus, the misrepresentation shall be deemed to be contained in the prospectus.

Liability not affected

8. Subsection 3 of section 69 of the said Act is amended by striking out “and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities” in the third and fourth lines.

s. 69 (3), amended

9.—(1) Clause *b* of subsection 1 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (1) (b), re-enacted

(b) the trade is an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

(2) Subclause i of clause *b* of subsection 7 of the said section 71 is amended by striking out “proposed trade” in the fifth line and inserting in lieu thereof “first trade made to carry out the distribution”.

s. 71 (7) (b) (i), amended

10. Subsection 1 of section 73 of the said Act is repealed and the following substituted therefor:

s. 73 (1), re-enacted

(1) The Commission may, upon the application of an interested person or company, rule that any trade, intended trade, security, person or company is not subject to section 24 or 52 where it is

Exemption order

satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.

s. 76,  
re-enacted

**11.** Section 76 of the said Act is repealed and the following substituted therefor:

Interim  
financial  
statements

76.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the periods commencing with the beginning of that year and ending nine, six and three months respectively before the date on which that year ends, but no interim financial statement is required to be filed for any period that is less than three months in length;
- (b) where the reporting issuer has completed its first financial year, to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of each of the corresponding periods in the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date on which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed;
- (b) where the reporting issuer has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

s. 88 (2),  
amended

**12.—**(1) Subsection 2 of section 88 of the said Act is amended by striking out “Subject to section 91” in the first line and inserting in lieu thereof “Subject to subsection 1 of section 91”.

SECTION 11. The re-enactment of section 76 clarifies that each reporting issuer is required to file a cumulative interim financial statement at the end of each three month period in a financial year. Clause *a* in subsection 1 and clause *a* in subsection 2 of section 76 set out slightly different procedures to apply where a reporting issuer has not completed its first financial year in order to ensure that comparable reporting periods are established for the first financial year and subsequent years.

SECTION 12.—Subsection 1. The amendment clarifies the application of subsection 2 of section 88 of the Act (exempted take-over bids).

Subsection 2. Clause *d* of subsection 2 of section 88 now reads as follows, showing underlined the portion of the clause amended:

- (d) *it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates, within any period of twelve consecutive months in reliance on the exemptions provided by this subsection, shall not exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or*

The amendment relates the operation of the take-over bid exemption provided by clause *d* of subsection 2 to the exemption set out in clause *a* only, rather than to all the exemptions set out in the subsection.

Subsection 3. Clause *a* of subsection 3 of section 88 now reads as follows:

- (3) *An issuer bid is exempted from the requirements of this Part where,*
- (a) *the securities are purchased, redeemed or otherwise acquired in accordance with the terms and conditions agreed to at the time they were issued or subsequently varied by amendment of the documents setting out those terms and conditions, or are acquired to meet sinking fund requirements or from an employee of the issuer or an employee of an affiliate.*

The amendment clarifies the nature of the exemption available under clause *a*.

SECTION 13.—Subsection 1. The amendment prevents an offeror from frustrating acceptance of the offer contained in the take-over bid circular by his own purchases in the market.

Subsections 2, 3, 4. The amendments are housekeeping in nature.

- (2) Clause *d* of subsection 2 of the said section 88 is repealed and the following substituted therefor: s. 88 (2) (*d*),  
re-enacted

(*d*) it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates within any period of twelve consecutive months in reliance on the exemption provided by this clause shall not, when aggregated with acquisitions made under clause *a* during the same twelve-month period, exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or

- (3) Clause *a* of subsection 3 of the said section 88 is repealed and the following substituted therefor: s. 88 (3) (*a*),  
re-enacted

(*a*) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or the securities are acquired to meet sinking fund requirements or are acquired from an employee of the issuer or an employee of an affiliate.

- 13.**—(1) Paragraph 10 of subsection 1 of section 89 of the said Act is amended by adding at the end thereof “but those securities shall be counted in the determination of whether a condition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled”. s. 89 (1),  
par. 10,  
amended

- (2) Paragraph 12 of subsection 1 of the said section 89 is amended by striking out “to withdraw the offer if” in the second line and inserting in lieu thereof “not to take up and pay for securities deposited if”. s. 89 (1),  
par. 12,  
amended

- (3) Clause *b* of paragraph 12 of subsection 1 of the said section 89 is amended by striking out “or” in the fifth line and inserting in lieu thereof “and” and by striking out “that” in the seventh line. s. 89 (1),  
par. 12 (*b*),  
amended

- (4) Paragraph 13 of subsection 1 of the said section 89 is amended by striking out “making” in the fourth line and inserting in lieu thereof “date”. s. 89 (1),  
par. 13,  
amended

s. 90,  
amended

- 14.** Section 90 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For purposes of subsection 1, a change that is not within the control of the offeror or of an affiliate of the offeror shall not be considered to be significant unless it is a material change affecting the affairs of the issuer of securities being offered in exchange for securities of the offeree company and, while an offer is outstanding, the exercise of a right contained in a take-over bid or an issuer bid to modify the terms of the offer or to waive a condition of the offer shall be considered to be a variation which changes the terms of the take-over bid or the issuer bid.

s. 99,  
amended

- 15.** Section 99 of the said Act is amended by adding thereto the following clause:

(f) change the time periods set out in sections 89 and 90 in their application to take-over bids or issuer bids that are subject to corresponding requirements, but with different time periods, imposed under applicable legislation of Canada or of a province or territory of Canada, and such change shall apply to take-over bids or issuer bids that satisfy the criteria set out in the order of the Commission making the change.

s. 131 (1, 2),  
re-enacted

- 16.—(1)** Subsections 1 and 2 of section 131 of the said Act are repealed and the following substituted therefor:

Liability of  
person or  
company in  
special  
relationship  
with a  
reporting  
issuer  
where material  
fact or change  
undisclosed

(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with a reporting issuer who, directly or indirectly, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter sells securities of the reporting issuer is liable to compensate the purchaser of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the purchaser; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling the securities or in communicating knowledge of the material fact or material change, as the case may be.

SECTION 14. The new subsection 1*a* of section 90 clarifies the types of significant changes and variations in take-over bids or issuer bids that invoke the notice requirements set out in subsection 1 of section 90.

SECTION 15. The proposed amendment to section 99 provides a mechanism for avoiding interjurisdictional conflicts where the time periods in other jurisdictions related to a take-over bid or an issuer bid are different than the time periods set out in sections 89 and 90 of the Act.

SECTION 16. Section 131 makes every person or company in a special relationship with a reporting issuer liable for damages resulting from the improper use of his knowledge of a material fact or material change related to the reporting issuer that has not been generally disclosed.

The amendments clarify that it is the person or company in a special relationship with a reporting issuer who is liable for damages under the section. The amendments also clarify the circumstances in which a person or company in a special relationship with a reporting issuer will be held accountable for a gain arising from a transaction involving the improper use of information.



(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with the reporting issuer who, directly or indirectly, and, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter purchases securities of the reporting issuer is liable to compensate the vendor of the securities for damages as a result of the trade unless, <sup>Idem</sup>

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the vendor; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Subsections 4 and 5 of the said section 131 are repealed and the following substituted therefor: <sup>s. 131 (4, 5). re-enacted</sup>

(4) Every person or company in a special relationship with a reporting issuer who is an insider or an associate or affiliate of the reporting issuer and who, <sup>Accountability for gain</sup>

- (a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or
- (b) directly or indirectly communicates, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed to another person or company who thereafter sells or purchases securities of the reporting issuer,

is accountable to the reporting issuer for any benefit or advantage received or receivable by him or it as a result of the purchase, sale or communication, as the case may be, unless,

- (c) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (d) the material fact or material change was known or ought reasonably to have been known to the purchaser or vendor of the securities, as the case may be;
- (e) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling or purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

Liability,  
joint and  
several

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection 1 or 2 as to the same transaction or series of transactions, their liability is joint and several.

s. 139,  
par. 1,  
re-enacted

**17.**—(1) Paragraph 1 of section 139 of the said Act is repealed and the following substituted therefor:

- 1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, including permitting the Director to make such allocations, and prescribing the form and content of and governing the use of prospectuses, preliminary prospectuses, *pro forma* prospectuses, summary statements and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories.

s. 139,  
amended

(2) The said section 139 is amended by adding thereto the following paragraphs:

- 8a. governing the furnishing of information by a registrant or class of registrants to a person or company recognized by the Commission and governing the payment of fees with respect thereto;

27a. requiring any issuer or class of issuers to comply with Part XVII or any provision thereof.

Commence-  
ment

**18.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**19.** The short title of this Act is *The Securities Amendment Act, 1979*.

SECTION 17.—Subsection 1. Paragraph 1 of section 139 is re-enacted in order to provide regulation-making authority for the purposes of the new section 62 of the Act contained in section 7 of the Bill. The provision, as re-enacted, also permits the Lieutenant Governor in Council to delegate authority to the Director to allocate persons and companies to prescribed categories of persons and companies.

Subsection 2. The amendment creates two additional regulation-making powers. Paragraph 8*a* expands the authority currently provided by paragraph 8 of section 139 to make regulations governing the furnishing of information to the public or to the Commission by a registrant. Paragraph 27*a* permits the Lieutenant Governor in Council to require, by regulation, that an issuer or class of issuers comply with the continuous disclosure provisions of the Act.





An Act to amend  
The Securities Act, 1978

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*1st Reading*

October 23rd, 1979

*2nd Reading*

November 26th, 1979

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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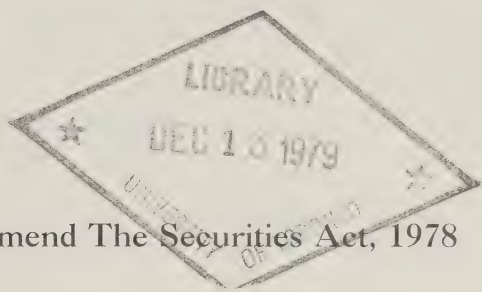
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Committee of the Whole House)*

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



An Act to amend The Securities Act, 1978

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



BILL 156

1979

## An Act to amend The Securities Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 24 of subsection 1 of section 1 of *The Securities Act, 1978*, being chapter 47, is repealed and the following substituted therefor:
 

s. 1 (1).  
par. 24.  
subpar. ii.  
re-enacted

  - ii. an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.
  
2. Section 2 of the said Act is amended by adding thereto the following subsection:
 

s. 2.  
amended

  - (4) The Commission may hold hearings in or outside Ontario in conjunction with any other body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

Hearings in  
conjunction  
with other  
securities  
commissions
  
3. Paragraph 2 of subsection 1 of section 34 of the said Act is repealed and the following substituted therefor:
 

s. 34 (1).  
par. 2.  
re-enacted

  2. An isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, or by or on behalf of an owner in a specific security, for the owner's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.
  
- 4.—(1) Subsection 1 of section 57 of the said Act is amended by inserting after "3" in the first line "of this section and subsection 2 of section 62".
 

s. 57 (1).  
amended

s. 57 (2)  
amended

(2) Subsection 2 of the said section 57 is amended by inserting after “3” in the first line “of this section and subsection 2 of section 62”.

s. 58 (1)  
amended

5. Subsection 1 of section 58 of the said Act is amended by adding at the commencement thereof “Subject to subsection 2 of section 62”.

s. 60 (1)  
amended

6. Subsection 1 of section 60 of the said Act is amended by inserting after “2” in the first line “of this section and subsection 4 of section 62”.

s. 62.  
re-enacted

7. Section 62 of the said Act is repealed and the following substituted therefor:

Short form  
prospectus

62.—(1) A person or company may, if permitted by the regulations, file a short form of preliminary prospectus and a short form of prospectus in the prescribed form under section 52, or a short form of *pro forma* prospectus and a short form of prospectus in the prescribed form under section 61, and any such prospectus that complies with the regulations applicable thereto shall, for the purposes of section 55, be considered to provide sufficient disclosure of all material facts relating to the securities issued or proposed to be distributed under the prospectus.

Alternative  
certificates

(2) A short form prospectus may contain one or more forms of certificate to be signed as alternatives to the forms of certificate set out in subsections 1 and 2 of section 57 and subsection 1 of section 58 and, where any such certificate in a short form prospectus is used in accordance with the regulations, it is not necessary to use the alternative certificate required by subsections 1 and 2 of section 57 and subsection 1 of section 58, as the case may be.

Summary  
statement

(3) A person or company may, if permitted by the regulations, file a summary statement as a separate document in the prescribed form together with a prospectus filed under section 52 or 61.

Refusal of  
summary  
statement

(4) Where a summary statement is filed with a prospectus, the Director shall not issue a receipt for the prospectus if it appears to him that the summary statement does not comply with the regulations applicable thereto.

Delivery of  
summary  
statement

(5) A summary statement filed with a prospectus for which a receipt has been issued may be sent or delivered by a dealer to a purchaser of securities instead of a prospectus as required in section 70, and, where a dealer so elects, the provisions of sections 70 and 130 with respect to a prospectus apply with necessary modifications to a summary statement.

Delivery of  
prospectus  
on request

(6) Every summary statement sent or delivered to a purchaser shall contain a statement informing the purchaser that a copy of

the prospectus which was filed with the summary statement will be provided to the purchaser on request, and each person or company who signs or causes to be signed, as the case may be, the certificate contained in the prospectus shall ensure compliance with any such request.

(7) Where, during the distribution or distribution to the public of a security under a prospectus, an order is made to cease trading in the security, or the receipt issued by the Director for the prospectus is revoked or the prospectus lapses or the use of a prospectus is otherwise prohibited by the Act, the regulations or by a decision of the Commission or an order of a court, a summary statement filed with the prospectus shall cease to have force and effect for the purposes of section 70 unless the Director otherwise orders.

Summary statement without force and effect

(8) Nothing in this section shall be construed to provide relief from liability arising under section 126 where a misrepresentation is contained in a prescribed short form prospectus and, for the purposes of section 126, where a misrepresentation is contained in a summary statement filed with a prospectus, the misrepresentation shall be deemed to be contained in the prospectus.

Liability not affected

8. Subsection 3 of section 69 of the said Act is amended by striking out “and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities” in the third and fourth lines.

s. 69 (3) amended

9.—(1) Clause *b* of subsection 1 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (1) (b) re-enacted

(*b*) the trade is an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer’s account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

(2) Subclause *i* of clause *b* of subsection 7 of the said section 71 is amended by striking out “proposed trade” in the fifth line and inserting in lieu thereof “first trade made to carry out the distribution”.

s. 71 (7) (b) (i) amended

10. Subsection 1 of section 73 of the said Act is repealed and the following substituted therefor:

s. 73 (1) re-enacted

(1) The Commission may, upon the application of an interested person or company, rule that any trade, intended trade, security, person or company is not subject to section 24 or 52 where it is

Exemption order

satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.

s. 76  
re-enacted

**11.** Section 76 of the said Act is repealed and the following substituted therefor:

Interim  
financial  
statements

76.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the periods commencing with the beginning of that year and ending nine, six and three months respectively before the date on which that year ends, but no interim financial statement is required to be filed for any period that is less than three months in length;
- (b) where the reporting issuer has completed its first financial year, to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of each of the corresponding periods in the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date on which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed;
- (b) where the reporting issuer has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

s. 88 (2).  
amended

**12.**—(1) Subsection 2 of section 88 of the said Act is amended by striking out “Subject to section 91” in the first line and inserting in lieu thereof “Subject to subsection 1 of section 91”.

- (2) Clause *d* of subsection 2 of the said section 88 is repealed and the following substituted therefor: s. 88 (2) (*d*)  
re-enacted

(*d*) it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates within any period of twelve consecutive months in reliance on the exemption provided by this clause shall not, when aggregated with acquisitions made under clause *a* during the same twelve-month period, exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or

- (3) Clause *a* of subsection 3 of the said section 88 is repealed and the following substituted therefor: s. 88 (3) (*a*).  
re-enacted

(*a*) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or the securities are acquired to meet sinking fund requirements or are acquired from an employee of the issuer or an employee of an affiliate.

- 13.—**(1) Paragraph 10 of subsection 1 of section 89 of the said Act is amended by adding at the end thereof “but those securities shall be counted in the determination of whether a condition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled”. s. 89 (1).  
par. 10.  
amended

- (2) Paragraph 12 of subsection 1 of the said section 89 is amended by striking out “to withdraw the offer if” in the second line and inserting in lieu thereof “not to take up and pay for securities deposited if”. s. 89 (1).  
par. 12.  
amended

- (3) Clause *b* of paragraph 12 of subsection 1 of the said section 89 is amended by striking out “or” in the fifth line and inserting in lieu thereof “and” and by striking out “that” in the seventh line. s. 89 (1).  
par. 12 (*b*).  
amended

- (4) Paragraph 13 of subsection 1 of the said section 89 is amended by striking out “making” in the fourth line and inserting in lieu thereof “date”. s. 89 (1).  
par. 13.  
amended

s. 90.  
amended

- 14.** Section 90 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For purposes of subsection 1, a change that is not within the control of the offeror or of an affiliate of the offeror shall not be considered to be significant unless it is a material change affecting the affairs of the issuer of securities being offered in exchange for securities of the offeree company and, while an offer is outstanding, the exercise of a right contained in a take-over bid or an issuer bid to modify the terms of the offer or to waive a condition of the offer shall be considered to be a variation which changes the terms of the take-over bid or the issuer bid.

s. 99.  
amended

- 15.** Section 99 of the said Act is amended by adding thereto the following clause:

(f) change the time periods set out in sections 89 and 90 in their application to take-over bids or issuer bids that are subject to corresponding requirements, but with different time periods, imposed under applicable legislation of Canada or of a province or territory of Canada, and such change shall apply to take-over bids or issuer bids that satisfy the criteria set out in the order of the Commission making the change.

s. 131 (1, 2).  
re-enacted

- 16.—(1)** Subsections 1 and 2 of section 131 of the said Act are repealed and the following substituted therefor:

Liability of  
person or  
company in  
special  
relationship  
with a  
reporting  
issuer  
where material  
fact or change  
undisclosed

(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with a reporting issuer who, directly or indirectly, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter sells securities of the reporting issuer is liable to compensate the purchaser of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the purchaser; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with the reporting issuer who, directly or indirectly, and, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter purchases securities of the reporting issuer is liable to compensate the vendor of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the vendor; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Subsections 4 and 5 of the said section 131 are repealed and the following substituted therefor: s. 131 (4, 5).  
re-enacted

(4) Every person or company in a special relationship with a reporting issuer who is an insider or an associate or affiliate of the reporting issuer and who, Account-  
ability  
for gain

- (a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or
- (b) directly or indirectly communicates, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed to another person or company who thereafter sells or purchases securities of the reporting issuer,

is accountable to the reporting issuer for any benefit or advantage received or receivable by him or it as a result of the purchase, sale or communication, as the case may be, unless,

- (c) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (d) the material fact or material change was known or ought reasonably to have been known to the purchaser or vendor of the securities, as the case may be;
- (e) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling or purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

Liability,  
joint and  
several

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection 1 or 2 as to the same transaction or series of transactions, their liability is joint and several.

s. 139,  
par. 1,  
re-enacted

**17.—**(1) Paragraph 1 of section 139 of the said Act is repealed and the following substituted therefor:

- 1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, including permitting the Director to make such allocations, and prescribing the form and content of and governing the use of prospectuses, preliminary prospectuses, *pro forma* prospectuses, summary statements and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories.

s. 139,  
amended

(2) The said section 139 is amended by adding thereto the following paragraphs:

- 8a. governing the furnishing of information by a registrant or class of registrants to a person or company recognized by the Commission and governing the payment of fees with respect thereto;

27a. requiring any issuer or class of issuers to comply with Part XVII or any provision thereof.

Commence-  
ment

**18.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**19.** The short title of this Act is *The Securities Amendment Act, 1979*.



# BILL 156

An Act to amend  
The Securities Act, 1978

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## *1st Reading*

October 23rd, 1979

## *2nd Reading*

November 26th, 1979

## *3rd Reading*

November 29th, 1979

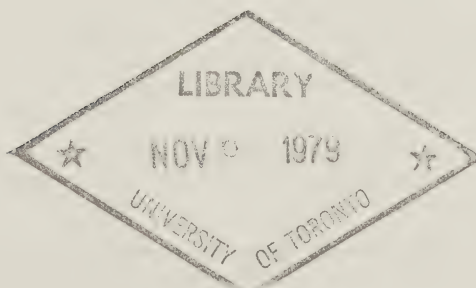
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THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to revise The Cemeteries Act

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





## EXPLANATORY NOTE

The Bill is divided into the following Parts:

- Part I — Interpretation — Section 1
- Part II — Establishment, Alteration, Transfer, Closing —  
Sections 2-16
- Part III — Operation — Sections 17-31
- Part IV — Trust Funds — Sections 32-47
- Part V — Licences — Sections 48-50
- Part VI — Administration — Sections 51-64
- Part VII — Regulations — Section 65
- Part VIII — Miscellaneous — Sections 66-68

Approval of the establishment, operation, enlargement or alteration of the area of, or increase in the capacity of a cemetery will be given by the Director. Applicants for approval are required to apply to and obtain a resolution by the council of the local municipality before the Director may give an approval. The Bill also requires the approval of the Director for,

- (a) the sale or transfer of any interest in the ownership of a cemetery; and
- (b) the sale or transfer of shares in a corporation that is the owner or that has an interest in the ownership of a cemetery, if the sale or transfer involves 10 per cent or more of the outstanding voting rights of the corporation or would result in one person having the right to exercise control and direction over a majority of the voting rights of the corporation.

The power of a municipal council to expropriate land for cemetery purposes is enlarged to provide for obtaining land for the enlargement or alteration of the area of a cemetery and to provide for obtaining land for cemetery purposes in or outside the municipality.

The Bill requires a cemetery owner or crematorium operator to provide and open and close a lot for the interment or to cremate the human remains of an indigent or stranger upon the written authorization of a welfare administrator and provides for payment for the lot and for the price of opening and closing of the lot or for the price for the cremation.

The Chief Coroner of Ontario may direct the disinterment of human remains for the purpose of identification or for the purpose of an investigation under *The Coroners Act, 1972*.

Sections 15 and 16 relate to a cemetery in which it appears that human remains have been interred and for which no interment rights have been sold for fifty years and in which no human remains have been interred for fifty years.

Section 15 provides for the maintenance of such a cemetery and section 16 provides for the removal of human remains from such a cemetery.

The Bill provides for three types of trust funds:

- firstly, care funds that provide moneys for the continuous care of lots in a cemetery;

secondly, marker maintenance funds that provide moneys for the maintenance of a headstone, plaque, monument or other marker on a lot in a cemetery; and

thirdly, pre-need funds that provide moneys for cemetery supplies or cemetery services that are not to be supplied or furnished within sixty days after the sale or until after the death of a person who is alive at the time the cemetery supplies or cemetery services are sold.

These trust funds will be examined and audited by the Director but, where the Director or the Public Trustee is of the opinion that there has not been compliance with the Act or the regulations, the Director or the Public Trustee may require an owner or trustee to pass his accounts before a surrogate court judge.

Provision is made for the issue of licences by the Director to persons who act as salesmen of cemetery lots, cemetery supplies or cemetery services.

The duties and powers of inspectors are set out in greater detail and provision is made for the preservation of secrecy, with certain stated exceptions, with respect to matters that come to the knowledge of an inspector or a person employed in the administration of the Act.

The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act* will hear applications in respect of proposed actions by the Director.

The Director may order the immediate cessation of the use of any advertising material that he believes contains false, misleading or deceptive statements. An owner, operator or salesman to whom such an order is directed may require a hearing by the Tribunal in the same manner as upon a proposal by the Director to refuse to give an approval.

Where the Director believes that any person is not complying with any provision of the Act, the regulations, an order made under the Act or a term or condition imposed under the Act or regulations, the Director is authorized to apply to a judge of the Supreme Court for an order directing compliance.

BILL 157

1979

## An Act to revise The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

1. "affiliate" means a person, partnership, company or trust that is associated with an owner in any of the following ways:
  - (a) One is a company of which the other is an officer or director.
  - (b) One is a partnership of which the other is a partner.
  - (c) One is a company that is controlled directly or indirectly by the other.
  - (d) Both are companies and one is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other.
  - (e) Both are members of a voting trust where the trust relates to shares of a corporation.
  - (f) Both are associated within the meaning of clauses *a* to *e* with the same person, partnership, company or trust;

2. “assign”, when used with respect to a lot, refers to the interment rights in the lot and not to the ownership of the lot;
3. “care fund” means a fund established in accordance with section 32 or a predecessor of that section for the purpose of providing moneys for the continuous care of lots in a cemetery and includes moneys designated as perpetual care funds under a predecessor of this Act;
4. “cemetery” means land that is set aside or used for the interment of human remains including cremated human remains or in which there are human remains and includes a columbarium or mausoleum;
5. “cemetery approval” means an approval by the Director,
  - (i) to establish or operate,
  - (ii) to enlarge or alter the area of, or
  - (iii) to increase the capacity of,a cemetery;
6. “cemetery services” includes,
  - (i) in respect of a lot in a cemetery, the opening and closing of a grave, the disinterment of human remains, the provision of temporary storage in a receiving vault, the construction of a foundation for a monument, grave marker or memorial plaque, the setting of corner posts, the provision of a tent or canopy, carrying and lowering devices, ground cover for an interment service, the preparation of flower beds and the planting of flowers and shrubs, and any other services provided under a contract or otherwise by an owner,
  - (ii) in respect of a crypt or compartment in a mausoleum, the opening, closing and sealing of the crypt or compartment, the provision of temporary storage in a vault or crypt, the provision of a tent or canopy for an interment service, and the provision of elevating devices, and any other services provided under a contract or otherwise by an owner,

- (iii) in respect of a niche or compartment in a columbarium, the opening, closing and sealing of the niche or compartment and the provision of a tent or canopy for an interment service, and any other services provided under a contract or otherwise by an owner, and
  - (iv) in respect of a crematorium, cremation and any other service provided under a contract or otherwise by an owner;
7. "cemetery supplies" includes concrete and metal interment vaults, monuments, grave markers or memorial plaques of stone or metal, corner posts, flowers, shrubs and artificial wreaths;
  8. "columbarium" means a structure designed for the purpose of storing human remains that have been cremated;
  9. "commercial cemetery" means a cemetery operated for profit;
  10. "communicable disease" means a disease prescribed by the regulations as a communicable disease;
  11. "continuous care" means the maintenance of a lot or lots at all times and includes the maintenance of a lot or lots for a limited period of time where a limit has been established in the agreement granting interment rights;
  12. "crematorium" means a building, equipment and facilities for the cremation of human remains;
  13. "Director" means the officer of the Ministry appointed by the Minister to perform the functions of the Director under this Act;
  14. "disinterment" includes disentombment;
  15. "inter" means to place human remains into a lot and includes bury and entomb;
  16. "lot" means ground used for or intended for the interment of human remains and includes a tomb, a crypt or compartment in a mausoleum and a niche or compartment in a columbarium;
  17. "lot owner" means a person entitled to exercise interment rights in a lot;

18. "marker" includes a headstone, monument, ornament or plaque;
19. "marker maintenance" means the maintenance continuously or for an agreed period of time of a marker on a lot in a cemetery or the embellishment of a lot in a cemetery or the embellishment of a cemetery or a part of a cemetery;
20. "marker maintenance fund" means a fund established in accordance with section 36;
21. "mausoleum" means a building or other structure used for the interment of human remains in sealed crypts or compartments;
22. "Minister" means the Minister of Consumer and Commercial Relations or other member of the Executive Council to whom the administration of this Act may be assigned;
23. "Ministry" means the Ministry of the Minister;
24. "municipality" means a city, town, village, township or improvement district;
25. "operator" means the owner of a crematorium and includes a person who controls or manages a crematorium;
26. "owner" means the owner of a cemetery and includes a person who alone or together with others controls or manages a cemetery;
27. "pre-need fund" means a fund established in accordance with section 40 or a predecessor of that section;
28. "purchase" or "repurchase", when used with respect to a lot, refers only to the interment and ancillary rights in the lot;
29. "regulations" means regulations made under this Act;
30. "sale", "sell" or "sold", when used with respect to a lot, refers only to the interment and ancillary rights in the lot;
31. "transfer", when used with respect to a lot, refers only to the interment and ancillary rights in the lot;

32. "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*. R.S.O. 1970, c. 57, s. 1, *amended*. R.S.O. 1970, c. 113

## PART II

### ESTABLISHMENT, ALTERATION, TRANSFER, CLOSING

- 2.** In this Part, "cemetery" includes crematorium. *New.* Interpretation

- 3.—(1)** No person shall, Approval of Director

(a) establish or operate;

(b) enlarge or alter the area of; or

(c) increase the capacity of,

a cemetery unless he has first obtained the approval of the Director. R.S.O. 1970, c. 57, s. 5, *amended*.

(2) Every owner of a cemetery that has been lawfully established or that is being lawfully operated and maintained immediately before this Act comes into force shall be deemed to have obtained the approval of the Director under subsection 1 to establish and operate the cemetery. *New.* Continuance

**4.—(1)** Subject to subsection 2 and sections 5 and 6, any person who applies in accordance with this Act and the regulations for a cemetery approval and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to the approval. Issuance of approval

(2) Subject to section 56, the Director may refuse a cemetery approval where, in his opinion, Grounds for refusal

(a) the past conduct of the applicant or, where the applicant is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the cemetery will not be operated in accordance with the law and with honesty and integrity;

(b) the proposed cemetery or its operation would contravene this Act or the regulations or any other Act or regulation;

(c) there is no present or anticipated public need for the cemetery in the area where the applicant proposes to establish or operate the cemetery;

- (d) the applicant is not competent to operate a cemetery in accordance with this Act and the regulations or is not in a position to furnish or provide the required facilities.

Revocation  
of approval

(3) The Director may revoke a cemetery approval if no interment has taken place in the cemetery or in the extension of the cemetery that is the subject of the approval,

- (a) at the request of the owner; or
- (b) subject to section 56, if any person has made a false statement in the application for the approval. *New.*

Deposit

**5.—**(1) The Director shall not issue a cemetery approval in respect of a commercial cemetery unless the applicant has paid over to a trustee to be held in trust as a deposit the sum prescribed by the regulations to assure continuous care of the lots in respect of which the application is made.

Return of  
deposit

(2) The sum paid over to a trustee in accordance with subsection 1 may be returned to the applicant upon such terms and conditions as the regulations prescribe. R.S.O. 1970, c. 57, s. 8, *amended.*

Application  
to  
municipality

**6.—**(1) An applicant for a cemetery approval shall submit to the council of the municipality in which the cemetery is located or in which it is proposed to locate the cemetery an application in the form prescribed by the regulations together with the plans and information prescribed by the regulations.

Approval by  
municipality

(2) The council of a municipality to which an application is made under subsection 1,

- (a) shall give notice to the inhabitants of the municipality and to the applicant of the receipt of the application and of the time and place where the matter will be considered by the council and by any committee of the council; and
- (b) by resolution, shall approve or refuse to approve the application.

Power to  
pass  
resolution

(3) The council of a municipality may pass a resolution approving or refusing to approve an application to establish, operate, enlarge or alter the area of, or increase the capacity of, a cemetery in the municipality.

Power of  
Director

(4) The Director shall not issue a cemetery approval unless the applicant files with the Director,

- (a) a copy of the application plans and information submitted to the municipality;
- (b) a copy certified by the clerk of the municipality of a resolution of the council of the municipality approving the application. R.S.O. 1970, c. 57, ss. 6, 7, *amended*.

**7.**—(1) The Director shall include in a cemetery approval or a revocation of a cemetery approval a description of the cemetery or of the land that is or is intended to be annexed to it, as the case may be, sufficient for registration in the proper land registry office. Form of cemetery approval or revocation

(2) A cemetery approval may be registered in the proper land registry office by the applicant for the cemetery approval. Registration of cemetery approval

(3) A revocation of a cemetery approval may be registered in the proper land registry office by the applicant for the revocation or by the Director. Registration of revocation

(4) A cemetery approval or a revocation of a cemetery approval is not effective until it is registered in the proper land registry office. R.S.O. 1970, c. 57, s. 9 (1, 2), *amended*. Effect of registration

**8.** No crematorium, mausoleum or site for interment or storage of cremated human remains shall be established outside the boundaries of a cemetery. *New*. Location of crematorium or mausoleum

**9.**—(1) No owner or operator shall sell, lease or transfer any interest in a cemetery, other than interment rights, unless he has first obtained the approval of the Director. Transfer of ownership

(2) No person shall sell or transfer any shares of a corporation that owns or has an interest in a cemetery where the sale or transfer, Transfer of shares

- (a) involves 10 per cent or more of the voting rights attached to all shares of the corporation for the time being outstanding; or
- (b) would result in any one person having the right to exercise control and direction over 10 per cent or more of the voting rights attached to all shares of the corporation for the time being outstanding,

unless the person has first obtained the approval of the Director.

(3) Subsections 1 and 2 do not apply in respect of a cemetery to which sections 15 and 16 apply. *New*. Exception

**10.**—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for approval of a sale, lease or transfer referred to in subsection 1 or 2 of section 9 Approval of sale or transfer

and who meets the requirements of this Act and the regulations is entitled to the approval.

Grounds  
for refusal

(2) Subject to section 56, the Director may refuse to approve a transfer of shares or a change of ownership where, in his opinion,

- (a) the past conduct of the transferee or proposed owner or, where the transferee or proposed owner is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the cemetery will not be operated in accordance with the law and with honesty and integrity;
- (b) the transferee is not competent to take part in the operation of the cemetery in a responsible manner in accordance with this Act and the regulations; or
- (c) the proposed owner is not competent to operate the cemetery in a responsible manner in accordance with this Act and the regulations. *New.*

Power of  
municipality  
to expropriate  
cemetery or  
land for  
cemetery

**11.—**(1) A municipality may expropriate,

- (a) land for the establishment, enlargement or alteration of the area of a cemetery; or
- (b) a cemetery or part thereof,

R.S.O. 1970,  
c. 154

in or outside the municipality, and *The Expropriations Act* applies thereto. R.S.O. 1970, c. 57, s. 63, *amended.*

Municipal  
purchase  
and sale

(2) The council of a municipality or the trustees of a police village may pass by-laws for,

- (a) purchasing a cemetery or part of a cemetery situate in the municipality or police village;
- (b) acquiring land in the municipality or in the police village or in an adjacent township or unorganized territory for a cemetery or for the enlargement or alteration of the area of an existing cemetery that is owned by the corporation or the trustees; and
- (c) selling or leasing a cemetery or part of a cemetery owned by the corporation or the trustees and fixing the terms on which the land shall be conveyed or leased and held.

Notice  
to  
Director

(3) A municipality or the trustees of a police village acting under subsection 1 or 2 shall give notice thereof to the Director. R.S.O. 1970, c. 57, ss. 65, *part*, 67, *amended.*

**12.**—(1) Upon application, the Ontario Municipal Board by order may close that part of a road allowance that has not been opened for public travel and that passes through lands used for cemetery purposes or that separates or lies between lands used for cemetery purposes.

Order  
closing  
road  
allowance

(2) An application under subsection 1 may be made by the owner or the person or persons deemed to be the owner for the purposes of this Act.

Application  
for order

(3) An application under subsection 1 may be made only on notice to the council of the municipality in which the part of the road allowance is situate.

Notice

(4) The Ontario Municipal Board may make an order under subsection 1 only where it is satisfied that it is in the public interest to close the part of the road allowance and permit it to vest in the owner.

Basis for  
order

(5) Upon the registration of the order in the proper land registry office, the part of the road allowance described in the order vests in the owner and may be used for cemetery purposes. R.S.O. 1970, c. 57, s. 74, *amended*.

Registration  
of order

**13.** Where, upon the application of the owner of a cemetery, the Director reports in writing, together with written reasons therefor, that it is expedient that the cemetery or part of the cemetery be closed, the Lieutenant Governor in Council may declare it to be closed and thereupon no further interments shall take place therein. R.S.O. 1970, c. 57, s. 58, *amended*.

Closing  
cemetaries

**14.**—(1) Where a cemetery or part of a cemetery has been closed by the Lieutenant Governor in Council and the Director, upon the application of the owner of the cemetery, reports in writing that it is expedient that the human remains therein should be disinterred and removed therefrom, the Lieutenant Governor in Council may direct such removal in the manner and according to the procedure provided by this section.

Removal  
of bodies  
from closed  
cemetery

(2) Before the Director makes his report under subsection 1, the owner of the cemetery shall give notice of the application,

Notice of  
application

(a) once a week for four successive weeks in *The Ontario Gazette*;

(b) once a week for four successive weeks in a newspaper having general circulation in the locality in which the cemetery is situate, if there is a newspaper having general circulation in the locality and published at least once a week; and

- (c) by registered mail to every lot owner in the cemetery or the part of the cemetery addressed to each lot owner at his address last known to the owner of the cemetery,

and shall provide evidence to the Director of the giving of the notice.

Notice of  
order to be  
published

(3) Where the Lieutenant Governor in Council has made an order under subsection 1, the owner shall forthwith give notice thereof by publication,

- (a) once a week for two successive weeks in *The Ontario Gazette*; and

- (b) once a week for two successive weeks in a newspaper having general circulation in the locality in which the cemetery is situate if there is a newspaper having general circulation in the locality and published at least once a week,

that he will, at the expiration of thirty days after the publication of the last of such notices, disinter and remove the human remains and reinter them in lots of a similar size in a cemetery described in the notice.

Time of  
removal  
and duties  
of owner

(4) At the expiration of the time fixed by the last of the notices mentioned in subsection 3, the owner, at his own expense, shall give notice to the Director and the local medical officer of health and shall disinter and remove any human remains not removed by the relatives or friends of the deceased and shall reinter them in the cemetery described in the notice mentioned in subsection 3.

Removal and  
re-erection  
of  
monuments,  
etc.

(5) The owner shall remove all contents of the grave and all monuments, headstones and other stones marking the lots from which human remains have been disinterred and shall reinter, re-erect and replace them at his own expense in similar locations in the cemetery to which the human remains are removed.

Certificate  
of court

(6) Where the owner of the cemetery satisfies the county or district court within the jurisdiction of which the cemetery is situate that he has disinterred and removed from the cemetery and reinterred as provided in this section all the human remains that, with the exercise of reasonable diligence, he has been able to find interred in the cemetery, the court shall certify that this section has been complied with and the owner shall register the certificate in the proper land registry office and shall file a copy with the Director.

(7) The certificate when so registered is conclusive evidence that the owner has disinterred and removed from the land described in the certificate all the human remains there interred, and thereafter the land shall be deemed not to be a cemetery within the meaning of this Act and may be sold, leased or otherwise disposed of and dealt with by the owner as if it had not been a cemetery. R.S.O. 1970, c. 57, s. 59, *amended*. Effect of certificate

(8) Where a cemetery has been closed by order of the Lieutenant Governor in Council and the owner of the cemetery does not proceed as provided by this section, the Lieutenant Governor in Council may authorize any person to exercise the powers of the owner in respect of disinterments and removals directed by the Lieutenant Governor in Council and reinterment as provided by this section, and every expense incurred by such person in so doing is a debt due and owing from the owner to the Crown in right of Ontario and may be recovered with costs in any court of competent jurisdiction. R.S.O. 1970, c. 57, s. 60, *amended*. Removal by person other than owner

**15.**—(1) This section and section 16 apply only to a cemetery, Application of ss. 15, 16

- (a) in which it appears that human remains are interred;
- (b) in respect of which no interment rights have been sold for a period of fifty years; and
- (c) in which no human remains have been interred for a period of fifty years.

(2) Where the boundary of a cemetery referred to in subsection 1 cannot be determined with certainty, the boundary shall be deemed to be three metres outward from the outermost evidence of burial. Boundary

(3) The owner of land that includes a cemetery referred to in subsection 1 shall be deemed to be the owner of the cemetery and shall, Duty of owner

- (a) clearly mark the boundaries of the cemetery;
- (b) maintain the cemetery; and
- (c) not use the cemetery for any purpose.

(4) An owner who contravenes subsection 3 shall be deemed, for the purposes of section 30, to be unable to maintain the cemetery. Effect of contravention of subs. 3

Notice to owner	(5) Before proceeding under section 30, the Director shall give notice to the owner of intention to proceed and shall give to the owner a reasonable opportunity to show or to achieve compliance with subsection 3.
Maintenance	(6) Where the Director gives notice in accordance with subsection 1 of section 30 with respect to a cemetery to which this section applies, the owner of the land that includes the cemetery shall provide free access to the cemetery for the purpose of maintenance.
Application of s. 32	(7) Section 32 does not apply to an owner of a cemetery referred to in subsection 1 or a municipality to which the Director gives notice in respect of a cemetery to which this section applies.
Application of ss. 13, 14	(8) Sections 13 and 14 do not apply to a cemetery referred to in subsection 1.
The Crown	(9) This section and section 16 bind the Crown.
Disinterment or removal	<b>16.</b> —(1) No person shall disinter or remove human remains and things buried with them from a cemetery referred to in subsection 1 of section 15 except with the written approval of the Director or the Minister.
Approval by Director	(2) Upon application and subject to subsections 3, 6, 8 and 9, the Director shall give written approval to disinter and remove human remains and things buried with them from a cemetery referred to in subsection 1 of section 15 and to remove and relocate the monuments, headstones and other stones and markers from the cemetery.
Grounds for approval by Director	(3) The Director shall not give written approval under subsection 2 unless the Director is satisfied that provision has been made, <ul style="list-style-type: none"> <li>(a) for the reinterment of the human remains and things buried with them in a cemetery; and</li> <li>(b) for the relocation of the markers from the cemetery referred to in subsection 1 of section 15 in appropriate locations in the cemetery in which the human remains and things buried with them are reinterred.</li> </ul>
Notice of application	(4) An applicant for approval under subsection 2 shall publish notice of the application once a week for four consecutive weeks in <i>The Ontario Gazette</i> and in a newspaper having general circulation in the locality in which the cemetery referred to in subsection 1 of section 15 is situate, if there is a newspaper having general circulation in the area and published at least once a week.

(5) Notices published under subsection 4 shall contain a statement that written submissions may be made to the Director in respect of the application. Content of notice

(6) The Director shall not give an approval under subsection 2 before the tenth day after the day of the fourth publication under subsection 4. Waiting period

(7) Any person may make a written submission to the Director in respect of an application under subsection 2. Written submissions

(8) Where a written submission is made to the Director before the end of the period of time specified by subsection 6, the Director shall refer the application and submission to the Minister. Referral to Minister

(9) The Director may refer any application to the Minister where the Director is of the opinion that the subject-matter of the application may involve a matter of public policy. Idem

(10) Where the Minister is of the opinion that there is sufficient interest in an application under subsection 2 to warrant holding a hearing, the Minister shall either hold a hearing or appoint a person to hold the hearing and report to the Minister. Hearing

(11) The Minister or the person appointed under subsection 10, as the case may be, shall give at least fifteen days notice of the time and place of the hearing, Notice of public hearing

(a) to each person who has made written submissions to the Minister in respect of the application; and

(b) to such other persons as, in the opinion of the Minister or of the person appointed to hold the hearing, ought to be given the notice.

(12) After the hearing by the person appointed under subsection 10, the person appointed shall report to the Minister on the information received at the hearing in respect of the subject-matter of the application under subsection 3 together with the recommendations and reasons of the person appointed. Report

(13) A hearing under this section by the Minister is for the purpose of providing information to the Minister and the Minister is not legally bound to act in accordance with any information presented at the hearing. Purpose of hearing by Minister

(14) A hearing under this section by a person appointed under subsection 10 is for the purpose of a report to the Minister and the report, including the recommendations and reasons, is not legally binding on the Minister. Purpose of hearing by appointed person

Powers of  
Minister

(15) After receiving and considering the application and the written submissions, if any, referred by the Director and, where the Minister held a hearing, the information presented at the hearing or, where a person was appointed to hold a hearing, the report of the person appointed, the Minister may give written approval to carry out the action proposed in the application or may refuse the approval, as the Minister considers necessary or advisable as a matter of public policy.

Terms and  
conditions

(16) The Minister may impose terms and conditions that must be complied with before an approval under this section comes into force and may make an approval under this section subject to terms and conditions that must be complied with after the approval comes into force, as the Minister considers necessary or advisable as a matter of public policy.

Effect  
of  
contravention  
of  
R.R.O. 1970,  
Reg. 80,  
s. 24

(17) Section 24 of Regulation 80 of Revised Regulations of Ontario, 1970 (which relates to change of ownership of a cemetery) does not have and shall be deemed never to have had the effect of preventing a change of ownership of a cemetery, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this subsection comes into force.

Certificate  
of county or  
district  
court

(18) Upon application, the county or district court that has jurisdiction in the area in which a cemetery referred to in subsection 1 of section 15 is situate may certify that,

- (a) the Director has given an approval under subsection 2 or the Minister has given an approval under subsection 15 in respect of the cemetery;
- (b) the human remains and things buried with them in the cemetery have been removed from the cemetery; and
- (c) the monuments, headstones and other stones and markers in the cemetery have been removed from the cemetery.

Grounds  
for  
certificate

(19) The court shall not issue a certificate under subsection 18 unless it is satisfied by the applicant that,

- (a) all the human remains and things buried with them that, with the exercise of reasonable diligence, it was possible to locate in the cemetery have been disinterred and removed; and

- (b) all the monuments, headstones and other stones and markers in the cemetery have been removed.

(20) An applicant to whom a certificate is issued under subsection 18 shall register the certificate in the proper land registry office and shall file a copy with the Director. Registration of certificate

(21) Where a certificate issued under subsection 18 is registered in the proper land registry office, the land described in the certificate shall be deemed not to be a cemetery and may be used and dealt with as if it had not been a cemetery. *New.* Effect of registration

### PART III

#### OPERATION

**17.**—(1) No person shall inter human remains, other than cremated human remains, except in a cemetery established and operated under an approval by the Director under section 3. *R.S.O. 1970, c. 57, s. 10, amended.* Interment in approved cemetery

(2) No person shall cremate human remains except in a crematorium established and operated under an approval by the Director under section 3. *R.S.O. 1970, c. 57, s. 11, amended.* Cremation in approved crematorium

**18.**—(1) No person shall cremate human remains within forty-eight hours after death unless the cause of death was a communicable disease. *R.S.O. 1970, c. 57, s. 79, part, amended.* Time for cremation

(2) No person shall cremate or cause or permit the cremation of human remains unless the person has received a certificate in the form prescribed by the regulations signed by a coroner stating that there is no reason for further examination of the human remains. Coroner's certificate

(3) Where the death took place outside Ontario, a certificate in the form prescribed by the regulations issued by a coroner in Ontario is sufficient for the purposes of subsection 2. *R.S.O. 1970, c. 57, s. 80, amended.* Where death outside Ontario

**19.** An operator may refuse to cremate without assigning reasons. *R.S.O. 1970, c. 57, s. 81, amended.* Right to refuse cremation

**20.**—(1) In this section, "welfare administrator" means municipal welfare administrator, regional welfare administrator or welfare administrator for a band within the meaning of *The* Interpretation  
*R.S.O. 1970, cc. 132, 192*

*General Welfare Assistance Act* or welfare administrator within the meaning of *The District Welfare Administration Boards Act*.

Interment  
of indigents  
and  
strangers

(2) Every owner or operator, other than an owner or operator that is a religious organization, upon receipt of the written authorization of a welfare administrator, shall provide and open and close a lot for the interment or shall cremate or inter, as the case requires, the human remains of any indigent or stranger who is named in the authorization.

Idem,  
religious  
organization

(3) Every owner or operator that is a religious organization, upon the written authorization of a welfare administrator, shall provide and open and close a lot for the interment or shall cremate or inter, as the case requires, the human remains of an indigent who was a member of the religious organization.

Payment

(4) An owner or operator who provides and opens and closes a lot for the interment of or who cremates or inters the human remains of an indigent or stranger upon the written authorization of a welfare administrator is entitled to be paid therefor,

(a) where the welfare administrator is a municipal welfare administrator, by the municipality employing the welfare administrator;

(b) where the welfare administrator is a regional welfare administrator, by the Province of Ontario;

(c) where the welfare administrator is a welfare administrator for a band, by the council of the band; or

(d) where the welfare administrator is employed by a board under *The District Welfare Administration Boards Act*, by the board,

an amount equal to,

(e) in the case of an interment,

(i) not less than the sum prescribed by the regulations for payment to the trustee of the care fund related to the cemetery and not more than the lowest price for a lot in the cemetery, and

(ii) the price for opening and closing a lot in the cemetery set out in the owner's list of prices or rates filed with and accepted by the Director; or

- (f) in the case of a cremation, not more than the lowest price set out in the operator's list of prices or rates filed with and accepted by the Director. R.S.O. 1970, c. 57, s. 53, *amended*.

**21.**—(1) No person shall disinter the human remains of a person who died of a communicable disease, except for the purpose of transportation and reinterment in accordance with this Act and in the manner prescribed by the regulations. Disinterment in cases of communicable diseases

(2) No person shall transport human remains referred to in subsection 1 by railway, airplane, ship or other means of public transportation unless the human remains are prepared in the manner prescribed by the regulations and enclosed in a hermetically sealed container. Transport of human remains

(3) No person shall open a hermetically sealed container that contains human remains referred to in subsection 1, except in accordance with this Act and in the manner prescribed by the regulations. R.S.O. 1970, c. 57, s. 54, *amended*. Opening of container

**22.** No person shall disinter any human remains except in accordance with this Act and in the manner prescribed by the regulations. R.S.O. 1970, c. 57, s. 55 (1), *part, amended*. Disinterment

**23.**—(1) Every person who proposes to disinter human remains shall notify the medical officer of health of the area in which the human remains are situate. Notice to M.O.H.

(2) The medical officer of health of an area has the right to attend at and to supervise and direct the disinterment of human remains. R.S.O. 1970, c. 57, s. 55 (1), *part, amended*. Authority of M.O.H.

**24.** No person shall remove human remains from a cemetery unless there is affixed to the container a certificate of a medical officer of health or the person who is the superintendent of the cemetery stating that this Act and the regulations have been complied with. R.S.O. 1970, c. 57, s. 55 (2), *amended*. Certificate of M.O.H. or superintendent

**25.**—(1) Notwithstanding anything in this Act, where it is considered necessary to disinter human remains for the purpose of a judicial proceeding, the court in which the proceeding is pending may direct the disinterment under and subject to such conditions as to reinterment as are considered proper. Disinterment court order

Chief  
Coroner's  
order

1972, c. 98

(2) Notwithstanding anything in this Act, the Chief Coroner for Ontario may direct the disinterment of human remains for the purpose of identifying the remains or for the purpose of an investigation or an inquest under *The Coroners Act, 1972*. *New*.

Where no  
provision  
for  
continuous  
care

**26.**—(1) Where, in a cemetery that is not a commercial cemetery, a lot that was sold by the owner before the 1st day of April, 1955, without provision for the maintenance of the lot, is not being maintained by the lot owner, the owner shall perform the maintenance.

Charge  
for care

(2) The owner may charge the lot owner for the performance of the maintenance in accordance with the prices or rates submitted by the owner and accepted for filing by the Director under this Act and the regulations or filed by the owner under a predecessor of this Act and the regulations thereunder.

Charge is  
debt due  
to owner

(3) An amount charged under subsection 2 is a debt due by the lot owner to the owner.

Enforce-  
ment

(4) Payment of a debt due under subsection 3 may be enforced by action in a court of competent jurisdiction. R.S.O. 1970, c. 57, s. 40, *amended*.

Sale of  
part of lot

(5) Upon application by an owner, a judge of the county or district court within the jurisdiction of which the cemetery is situated by order may authorize the owner to sell that part of a lot that has been sold but in which no interment has been made.

Application  
of subs. 5

(6) Subsection 5 applies only in respect of a lot,

- (a) in which no interment has been made for more than ten years;
- (b) in respect of which the lot owner has been in default of payment of charges under subsection 2 for more than five years.

Notice

(7) The owner shall give notice of the application under subsection 5 to the lot owner,

- (a) where the lot owner resides within the jurisdiction of the court and the owner knows where the lot owner resides, by personal service or by registered mail addressed to the lot owner and mailed at least four days before the day of the hearing of the application;

- (b) where the lot owner resides in Ontario but outside the jurisdiction of the court and the owner knows where the lot owner resides, by registered mail addressed to the lot owner and mailed at least ten days before the day of the hearing of the application; and
- (c) where the lot owner resides outside Ontario or the owner does not know where the lot owner resides, in such manner as the judge may direct.

(8) The owner shall apply the proceeds of the sale under subsection 5, firstly, to provide continuous care of that part of the lot in which an interment has been made and, secondly, to the care fund established in respect of the cemetery. R.S.O. 1970, c. 57, s. 52, *amended*. Application of proceeds of sale

**27.**—(1) No document of transfer of a lot shall be registered in a land registry office. Registration of transfer of lot

(2) No judgment, execution, mortgage or encumbrance affects any lot that has been sold. R.S.O. 1970, c. 57, s. 21, *amended*. Mortgage or encumbrance not to affect lot

**28.**—(1) The owner of a cemetery may borrow money for the purpose of improving the cemetery and for that purpose may mortgage all his estate, right and interest in the cemetery, but nothing in this subsection authorizes the mortgagee or anyone claiming under him to use or deal with the cemetery in a manner inconsistent with the continued use of it as a cemetery or inconsistent with any provision of this Act or the regulations. R.S.O. 1970, c. 57, s. 43, *amended*. Power to borrow

(2) Notwithstanding subsection 1, no owner or trustee shall use as security for a loan any amount set aside or paid over to a trustee to be held or invested in trust, Owner not to use deposit or trust funds as security for loan

(a) as a deposit to assure continuous care;

(b) as a care fund;

(c) as a pre-need fund; or

(d) as a marker maintenance fund. *New*.

**29.**—(1) The council of a municipality or the trustees of a police village may pass a by-law to, Powers of municipality or police village to convey or transfer management

(a) convey a cemetery or land for a cemetery owned by the municipal corporation or the trustees to,

(i) a board of trustees that is operating a cemetery,  
or

(ii) a corporation without share capital having as its object or one of its principal objects the operation of a cemetery; or

(b) transfer the management of a cemetery or land for a cemetery owned by the municipal corporation or the trustees to a board consisting of not fewer than three or more than seven persons who shall be appointed by the council or trustees, as the case requires, for terms of not more than three years.

Funds

(2) Where the council of a municipality or the trustees of a police village convey a cemetery or land for a cemetery in accordance with a by-law passed under subsection 1, the council or the trustees shall give to the Director notice of the by-law and of the conveyance and shall transfer to the board or the corporation referred to in subsection 1 the right to the income from the care fund, the marker maintenance fund and the pre-need fund and the right to the capital of the pre-need fund established for the cemetery. R.S.O. 1970, c. 57, ss. 64 (1), 68, 69, *amended*.

Where  
municipality  
to maintain  
cemetery

**30.**—(1) Where the owner of a cemetery cannot be found or is unknown or is unable to maintain it, the Director may give notice thereof to the council of the municipality or the trustees of the police village in which the cemetery is situated, and the council or trustees shall maintain the cemetery and the corporation of the municipality or the trustees of the police village shall be deemed for the purposes of this Act to be the owner of the cemetery. R.S.O. 1970, c. 57, s. 62, *amended*.

Vesting  
cemetery in  
municipality

(2) Where the notice mentioned in subsection 1 has been given, the Ontario Municipal Board may, upon application of the council of the municipality or the trustees of the police village and after the giving of such public notice and notice to the Director as the Board considers sufficient, make an order vesting the cemetery mentioned in subsection 1 in the local municipality or police village and, upon the registration of the order in the proper land registry office, the ownership of the cemetery is vested in the corporation of the local municipality or the trustees of the police village, as the case requires. *New*.

Election of  
trustees  
where no  
person  
responsible  
for  
maintaining  
cemetery

**31.**—(1) Where there is no person upon whom the duty of maintaining a cemetery rests, the lot owners of lots in the cemetery after notice once a week for two successive weeks in a newspaper having general circulation in the locality in which the cemetery is situated, if there is a newspaper having general circulation in the locality and published at least once a week, may elect trustees and the trustees so elected shall be deemed for the purposes of this Act to be the owner of the cemetery. R.S.O. 1970, c. 57, s. 75, *amended*.

(2) The Director, upon the application of the trustees elected under subsection 1, may issue a certificate of election and, upon registration of the certificate in the proper land registry office, the ownership of the cemetery is vested in the trustees so elected and their successors. Vesting of ownership of cemetery

(3) Trustees elected pursuant to this section shall hold office for a term of two years. Term of office of trustees

(4) The trustees for the time being holding office under this section shall give public notice of, make arrangements for and conduct the election of their successors in office. *New.* Election of new trustees

## PART IV

### TRUST FUNDS

**32.** Every owner shall establish with a trustee a fund that shall be held in trust by the trustee and that shall be for the purpose of providing moneys for the continuous care of the lots in the cemetery. *New.* Care fund

**33.** Every owner who sells, transfers or assigns a lot shall pay to the trustee of the care fund established for the cemetery in which the lot is situated the sum prescribed by the regulations within sixty days after the day of the sale, transfer or assignment, and the trustee shall pay the sum into the care fund. R.S.O. 1970, c. 57, s. 24 (1), *amended.* Payment into care fund

**34.** Every trustee of a care fund shall invest the moneys in the fund and shall pay the net income derived therefrom to the owner of the cemetery for which the fund is established. R.S.O. 1970, c. 57, s. 27 (2), *amended.* Investment

**35.** Every owner shall apply the income received from the care fund established for the cemetery of which he is the owner firstly to the continuous care of the lots in the cemetery and secondly to such matters or things in or about the cemetery as are prescribed by the regulations. R.S.O. 1970, c. 57, s. 24 (4), *amended.* Application of income of care fund

**36.** Every owner who receives or has set aside or received any property for marker maintenance shall establish with a trustee a fund that shall be held in trust by the trustee and that shall be for the purpose of providing moneys for marker maintenance in the cemetery. *New.* Marker maintenance fund

**37.** A trustee of a marker maintenance fund shall invest the moneys in the fund and shall pay the net income derived from the Investment

fund to the owner of the cemetery to which the fund relates.  
*New.*

Application  
of income of  
marker  
maintenance  
fund

**38.** Every owner shall apply the income received from a marker maintenance fund in the maintenance of the markers in the cemetery for which the fund is established, but where part of the income is derived from property received for the purpose of providing for the embellishment of a lot or the cemetery or a part of the cemetery, the owner shall apply that part of the income for such purpose. *New.*

Grant,  
devise  
or bequest  
in perpetuity

**39.—(1)** Any person may grant, devise or bequeath property to a trustee in perpetuity for the purpose of providing moneys for the continuous care of a lot or lots in a cemetery or the maintenance of a marker on a lot or the embellishment of a lot or a cemetery or a part of a cemetery.

Notice  
to  
owner

(2) Every person who receives property in trust for the purpose of,

(a) applying or converting and applying the property; or

(b) applying the income derived from the property,

for the care of a lot or lots in a cemetery or for the maintenance of a marker on a lot or the embellishment of a lot or a cemetery or a part of a cemetery shall give to the owner of the cemetery notice of the receipt of the property and any additional information required by the owner in respect of the property.

Transfer  
to  
owner

(3) A person referred to in subsection 2 may transfer property referred to in subsection 2 to the owner if the owner agrees to accept the property.

Owner  
may  
require  
transfer

(4) The owner may require a person referred to in subsection 2 to transfer to the owner the property referred to in subsection 2.

Transfer  
to trustee  
of care  
fund

(5) Every owner who receives property that was granted, devised or bequeathed in trust to use the income derived therefrom for the continuous care of a lot or lots in a cemetery shall transfer the property to the trustee of the care fund established for the cemetery within sixty days after the property is received by the owner and the trustee shall pay or convert and pay the proceeds of the property into the care fund.

Transfer to  
trustee of  
marker  
maintenance  
fund

(6) Every owner who receives property that was granted, devised or bequeathed in trust to use the income derived therefrom for the maintenance of a marker on a lot or the embellishment of a lot or a cemetery or a part of a cemetery shall transfer the property to the trustee of the proper marker maintenance fund within sixty days after the property is received by the owner and

the trustee shall pay or convert and pay the proceeds of the property into the marker maintenance fund.

(7) A trustee of a care fund or a marker maintenance fund may invest the moneys in the fund in perpetuity and may hold, invest or add to the fund any income from the fund not required immediately by the owner for the purposes for which the fund was established. R.S.O. 1970, c. 57, s. 23, *amended*. Life of funds

**40.**—(1) Every owner or operator who sells cemetery supplies or cemetery services that are not to be supplied or furnished within sixty days after the day of the sale or until the death of a person alive at the time the sale is made shall establish with a trustee a pre-need fund that shall be held in trust by the trustee. Pre-need fund

(2) Subsection 1 applies whether the sale is made directly or through an affiliate, agent or employee of the owner or operator. Application

(3) Every owner or operator referred to in subsection 1 shall pay to the trustee of the pre-need fund the amount or the portion prescribed by the regulations within sixty days after receipt of any part of the payment in respect of a sale referred to in subsection 1. Payment to trustee

(4) The trustee shall pay the amount received from the owner or operator into the pre-need fund. Trustee to pay

(5) A trustee of a pre-need fund shall invest the moneys in the fund and may pay to the owner or operator in respect of whose sales the fund is established such portion of the capital or income of the fund at such times and upon such terms and conditions as the regulations prescribe. R.S.O. 1970, c. 57, s. 38 (1, 2), *amended*. Operation of fund

**41.** Every owner shall pay over,

Existing trusts

- (a) to the trustee of the care fund established for the cemetery, all amounts required by *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, and the regulations made under that Act, to be set aside for perpetual care;
  - (b) to the trustee of the marker maintenance fund established for the cemetery, all property that, when this section comes into force, is in the possession of the owner for the purpose of providing income for marker maintenance or for the embellishment of a lot, a cemetery or a part of a cemetery; and
  - (c) to the trustee of the pre-need fund established for the cemetery, all amounts required by *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, and the regulations made under that Act, to be paid into the pre-need assurance fund of the owner.
- New.*

Capital  
portion of  
care fund

**42.** The trustee of a care fund or of a marker maintenance fund or, except as provided in section 40, of a pre-need fund shall not return the capital portion of the fund to the owner of the cemetery for which the fund was established but, upon the direction of the owner and with the consent of the Director, the trustee shall transfer the fund to another trustee appointed by the owner. R.S.O. 1970, c. 57, s. 27 (4, 6), *amended*.

Trust  
moneys not  
assets of  
owner or  
affiliate

**43.** Moneys that are required by or under this Act to be held in trust or that are held in trust in accordance with this Act or the regulations are not and shall not be deemed to be assets of an owner or an affiliate of an owner.

Who  
may act  
as trustee  
R.S.O. 1970,  
c. 254

**44.** No person or body of persons other than,

(a) a trust company registered under *The Loan and Trust Corporations Act*;

(b) the Public Trustee;

(c) in the case of a cemetery owned by a municipal corporation, the treasurer of the municipality when authorized by a by-law of the municipality filed with the Director; or

(d) a person or body of persons prescribed by the regulations,

shall act as a trustee of a trust fund required under this Act.

Audit of  
accounts by  
Director

**45.** Every owner and every trustee shall submit for examination, auditing and approval by the Director accounts of their dealings with care funds, marker maintenance funds and pre-need funds and the income from the funds at such times, in such form and with such detail as is prescribed by the regulations.

Director  
may require  
passing of  
accounts  
before  
surrogate  
court judge

**46.**—(1) Where the Director or the Public Trustee is of the opinion that a trustee of a care fund, pre-need fund or of a marker maintenance fund or the owner of the cemetery in respect of which the fund is established has contravened or failed to comply with any provision of this Act or the regulations with respect to the fund, the Director or the Public Trustee may call upon the trustee or the owner or both of them to pass the accounts of their dealings with the fund, moneys and other property due to the fund and the income derived from the fund and from such moneys and other property before a judge of the surrogate court within the jurisdiction of which the cemetery is situated. *New*.

Breach  
of trust

(2) If, upon the passing of accounts, the judge finds that the owner or trustee has been guilty of a breach of trust or that the owner has retained in his hands moneys or other property

intended for continuous care, pre-need or marker maintenance, he may direct that the moneys or other property or a part thereof be paid to a trustee or make such order as he considers necessary to compel compliance with this Act or the trust in question. R.S.O. 1970, c. 57, s. 34, *amended*.

**47.**—(1) An owner or trustee shall from time to time furnish the Public Trustee or the Director with such information with respect to care funds or moneys, marker maintenance funds, moneys and securities and pre-need funds and moneys as the Public Trustee or the Director may require. R.S.O. 1970, c. 57, s. 35, *amended*.

Information  
required by  
Public  
Trustee

(2) The Public Trustee and the Director shall be deemed to be persons having an interest in care funds, marker maintenance funds and pre-need funds. R.S.O. 1970, c. 57, s. 36, *amended*.

Interest  
of Public  
Trustee and  
Director

## PART V

### LICENCES

**48.** No person shall act as a salesman of lots or cemetery supplies or cemetery services except under the authority of a licence issued by the Director under this Act. R.S.O. 1970, c. 57, s. 13 (1), *amended*.

Licences

**49.**—(1) Subject to subsection 2, any person who applies in accordance with this Act and the regulations for a licence to sell lots or cemetery supplies or cemetery services and who meets the requirements of this Act and the regulations and who pays the fee prescribed by the regulations is entitled to be issued the licence.

Issuance  
of  
licence

(2) Subject to section 56, the Director may refuse to issue a licence or may issue the licence subject to such terms and conditions as the Director considers proper in the circumstances where, in his opinion,

Refusal  
of  
licence

- (a) the past conduct of the applicant affords reasonable grounds for belief that sales will not be made in accordance with the law and with honesty and integrity;
- (b) the applicant is not competent to act as a salesman in accordance with this Act and the regulations; or
- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations. *New*.

**50.** Subject to section 56, the Director may impose terms and conditions after the issuance of a licence or may suspend, revoke or refuse to renew a licence where,

Revocation  
and  
refusal  
of licence

- (a) the licensee is in contravention of this Act or the regulations or of any other Act or regulation that applies to the sale of lots, cemetery supplies or cemetery services;
- (b) there is a breach of a term or condition of the licence;
- (c) the licensee is not competent to act as a salesman in accordance with this Act and the regulations;
- (d) the past conduct of the licensee affords reasonable grounds for belief that sales will not be made in accordance with the law and with honesty and integrity; or
- (e) the licensee has been grossly negligent in carrying out sales. *New.*

## PART VI

### ADMINISTRATION

Appointment  
of  
inspectors

**51.**—(1) The Minister may appoint such officers of the Ministry as inspectors as are necessary for the purposes of this Act and the regulations and such appointments shall be in writing. R.S.O. 1970, c. 57, s. 26, *amended*.

Certificate  
of  
appointment

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. *New.*

Inspection

**52.**—(1) An inspector may at any time enter upon the premises of a cemetery or crematorium to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Powers on  
inspection

(2) Upon an inspection under this section, an inspector,

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with

reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(3) No person shall obstruct an inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of an inspection. Obstruction

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. Admissibility of copies

(5) Any record required to be kept under this Act or the regulations shall be made available to the Director or an inspector on request. *New.* Disclosure to Director, etc.

**53.** The Director may direct to any owner, affiliate or trustee other than the Public Trustee or to any officer or employee of any of them an inquiry in respect of a cemetery or crematorium and every such person shall answer the inquiry promptly and explicitly. *New.* Inquiry

**54.** Where a provincial judge is satisfied, upon an application without notice by the Director, that there is reasonable ground for believing that it is necessary to enter any land or building for the administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter thereon or therein and to make such examinations and inquiries as he considers necessary, and such examinations and inquiries shall be made between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time. *New.* Order authorizing entry

**55.** Every person employed in the administration of this Act, including every inspector, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment or an inspection under this Part and shall not communicate any such matter to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel;
- (c) with the consent of the person to whom the information relates; or
- (d) as a witness in a civil suit or proceeding. *New.*

Proposal  
to refuse  
to issue  
licence,  
etc.

**56.—(1)** Where the Director proposes,

- (a) to refuse to issue or renew a licence;
- (b) to suspend or revoke a licence;
- (c) to refuse to give an approval;
- (d) to refuse to accept for filing any price or rate; or
- (e) to impose terms or conditions upon a licence,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Tribunal if he mails or delivers to the Director and the Tribunal, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Power of  
Director  
where no  
hearing

(3) Where an applicant or licensee does not require a hearing by the Tribunal in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of  
Tribunal  
where  
hearing

(4) Where an applicant or licensee requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Director.

Extension  
of time for  
requiring  
hearing

(5) The Tribunal may extend the time for the giving of notice requiring a hearing by an applicant or licensee referred to in subsection 1, either before or after the expiration of such time, where it is satisfied that there are reasonable grounds for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant or licensee, and the Tribunal may give such directions as it considers proper consequent upon the extension.

Parties

(6) The Director, the applicant or licensee and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Notice of  
hearing

(7) Notice of a hearing shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before

the hearing with all lawful requirements for the approval, licence or filing.

(8) An applicant or licensee who is a party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. *New.* Examination of documentary evidence

**57.**—(1) The Director may order an owner, operator or salesman of lots, cemetery supplies or cemetery services to stop the use of any advertisement, circular, pamphlet or material that the Director believes, on reasonable and probable grounds, makes false, misleading or deceptive statements. Order to stop use of advertisement

(2) Where the Director proposes to make an order under subsection 1, he shall serve notice of his proposal on each person to be named in the order together with written reasons therefor. Notice of proposal

(3) Subsections 2 to 5, 7 and 8 of section 56 apply with necessary modifications where the Director proposes to make an order under subsection 1. Application of s. 56

(4) The Director and the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

**58.**—(1) Notwithstanding section 57, the Director may make an order under subsection 1 of section 57 to take effect immediately where, in his opinion, to do so is necessary for the protection of the public and, subject to subsections 3 and 4, the order takes effect immediately. Order for immediate compliance

(2) Where the Director makes an order under subsection 1, he shall serve each person named in the order with a copy of the order together with written reasons therefor and a notice containing the information required to be in a notice referred to in subsection 2 of section 57. Notice of order

(3) Where a person named in the order requires a hearing by the Tribunal in accordance with the notice under subsection 2, the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or exercise such other powers as may be exercised in a proceeding under section 57. Hearing

(4) Where a hearing by the Tribunal is required, the order expires fifteen days after the giving of the notice requiring the hearing but, where the hearing is commenced before the expiration of the order, the Tribunal may extend the time of expiration until the hearing is concluded. Expiration of order

Parties

(5) The Director and the person who has required the hearing and such other persons having a direct interest in the order as the Tribunal may specify are parties to proceedings before the Tribunal under this section. *New.*

Stay  
R.S.O. 1970,  
c. 113

**59.** Notwithstanding that, under section 9b of *The Ministry of Consumer and Commercial Relations Act*, an appeal is taken from an order of the Tribunal made under section 57 or 58, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. *New.*

Restraining  
order

**60.** Where the Director believes on reasonable and probable grounds that any person is not complying with any provision of this Act, the regulations, an order made under this Act or a term or condition imposed under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to the Supreme Court for an order directing such person to comply with such provision, order, term or condition, and upon the application the Court may make such order as the Court considers proper. *New.*

Service

**61.—**(1) Any notice, order, decision or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the last address known to the Director.

When  
service  
deemed  
made

(2) Where service is made by registered mail in accordance with subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. *New.*

Protection  
from  
personal  
liability

**62.—**(1) No action or other proceeding for damages shall be instituted against the Director, any inspector or anyone acting under the direction of the Director or inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not  
relieved of  
liability  
R.S.O. 1970,  
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and

the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.*

**63.—(1)** No person shall,

Prohibition

- (a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, headstone, plaque, marker or other structure placed in a cemetery or any fence, railing or other work placed for the protection or ornament of a cemetery or of any such tomb, monument, headstone, plaque, marker or other structure;
- (b) wilfully destroy, cut, break or injure any tree, shrub or plant in a cemetery, or wilfully injure, destroy or deface any building or structure or any road, walk or other works in a cemetery;
- (c) discharge firearms in a cemetery, except at a military funeral;
- (d) wilfully and unlawfully disturb persons assembled for the purpose of burying a body in a cemetery;
- (e) bring any animal into a cemetery; or
- (f) commit a nuisance in a cemetery.

(2) Every person who contravenes any provision of subsection 1 is also liable in an action in the name of the owner of the cemetery or of the owner of a lot upon which damage is done or other unlawful act is committed to pay all damages occasioned by his unlawful act and, when recovered, the damages shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed. R.S.O. 1970, c. 57, s. 61, *amended*.

Liability  
to action

**64.—(1)** Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of an approval made or given under this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. R.S.O. 1970, c. 57, s. 83, *amended*.

Offence

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Corporation

Directors  
and  
officers

(3) Where a corporation has been convicted of an offence under subsection 1,

- (a) each director of the corporation; and
- (b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence. *New.*

## PART VII

### REGULATIONS

Regulations

**65.** The Lieutenant Governor in Council may make regulations,

- 1. respecting the construction, establishment, location, equipment, maintenance, enlargement and alteration of cemeteries and crematoria;
- 2. respecting applications for approvals;
- 3. classifying cemeteries;
- 4. prescribing terms and conditions that shall attach to approvals and licences;
- 5. prescribing fees that shall be paid upon the filing of applications and upon the giving of approvals and issuing of licences;
- 6. respecting the information, plans and other material in connection with applications for approval and requiring the filing thereof with such applications;
- 7. respecting the temporary storage, interment, disinterment, cremation, removal and disposal of human remains;
- 8. requiring owners, operators and persons offering for sale or selling lots, cemetery supplies or cemetery services to

keep books, records and accounts, and respecting the form and detail in which information shall be set out in the books, records and accounts;

9. requiring owners, operators and persons offering for sale or selling lots, cemetery supplies or cemetery services to make reports and returns to the Director and governing the form of the reports and returns;
10. requiring and governing rules by owners and operators as to matters related to lot owners or the general public in respect of cemeteries and crematoria and, in particular, without limiting the foregoing, as to interments, disinterments, cremations, cemetery services, cemetery supplies and access to cemeteries and crematoria;
11. governing and regulating the charges for cremations, the sale of lots, cemetery supplies and cemetery services;
12. governing contracts for the sale of lots, cemetery supplies and cemetery services;
13. regulating, restricting or prohibiting the sale or offering for sale of lots, cemetery supplies and cemetery services and prescribing the method, manner and conditions of or under which lots, cemetery supplies and cemetery services may be sold or offered for sale;
14. prescribing conditions that shall be satisfied by owners and lot owners before the assignment or the recording of the assignment of lots;
15. prescribing the sums or the method of determining the sums that shall be paid over to trustees as deposits to assure continuous care by applicants upon application to establish, operate, enlarge or alter the area of or increase the capacity of cemeteries and providing for the return of such deposits and prescribing the terms and conditions upon which such deposits may be returned;
16. prescribing the sum or the method of determining the sum that shall be paid to the trustee of a care fund upon the sale of a lot;
17. prescribing the standard of continuous care and the matters and things in or about cemeteries to which the net income of care funds may be applied after providing for continuous care;

18. exempting any person or class of persons from this Act or the regulations or any provision of either of them and prescribing terms and conditions that shall attach to any such exemption;
19. prescribing forms for the purposes of this Act and providing for their use;
20. requiring any information required to be furnished or contained in any form, report or return to be verified by affidavit;
21. prescribing other duties of inspectors;
22. prescribing rules of procedure to be followed upon the examination, audit and approval of accounts of dealings with care funds, marker maintenance funds and pre-need funds and the income therefrom;
23. respecting the amount and the payment of compensation in respect of trust funds and the examination or audit of the accounts of dealings with trust funds;
24. requiring persons who sell or offer for sale lots, cemetery supplies or cemetery services to be bonded in such amounts, form and terms and with such collateral security as may be prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
25. respecting premises on, in or from which cemetery supplies or cemetery services are sold or offered for sale;
26. prescribing the proportion of the sale price that shall be paid by owners and operators to trustees of pre-need funds upon the sale of cemetery supplies or cemetery services to be furnished upon the death of persons who are alive at the time such sales are made;
27. respecting the investment of care funds, marker maintenance funds and pre-need funds;
28. prescribing the terms and conditions upon which moneys in pre-need funds and marker maintenance funds may be paid out by the trustees of the funds to owners;
29. prescribing the number of trustees to be elected and the manner of electing trustees for the purposes of section 31;

30. prescribing any matter required or authorized by this Act to be, or referred to in this Act as, prescribed by the regulations. R.S.O. 1970, c. 57, s. 15, *amended*.

## PART VIII

### MISCELLANEOUS

**66.**—(1) *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 57, repealed

(2) Section 31 of *The Government Reorganization Act, 1972*, being chapter 1, is repealed. 1972, c.1, s. 31, repealed

**67.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

**68.** The short title of this Act is *The Cemeteries Act, 1979*. Short title

An Act to revise  
The Cemeteries Act

*1st Reading*

October 25th, 1979

*2nd Reading*

*3rd Reading*

THE HON. FRANK DREA  
Minister of Consumer  
and Commercial Relations

*(Government Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Regional Municipality of Peel Act, 1973

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



#### EXPLANATORY NOTE

The purpose of this Bill is to give the area municipalities the power to make expenditures for the purpose of diffusing information respecting the advantages of the area municipality as an industrial, agricultural, business, educational, residential or vacation centre. The Regional Municipality will no longer have this power.

Section 117 now reads as follows:

117. —(1) *The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre.*
- (2) *Paragraph 50 of subsection 1 of section 354 and section 395 of The Municipal Act apply mutatis mutandis to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.*
- (3) *In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection 2, the provisions of section 27 apply mutatis mutandis to such employee on the date he is transferred to the Regional Corporation.*

BILL 158

1979

## An Act to amend The Regional Municipality of Peel Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Regional Municipality of Peel Act, 1973*, being <sup>s. 117, re-enacted</sup> chapter 60, as amended by the Statutes of Ontario, 1973, chapter 161, section 7 and 1976, chapter 43, section 70, is repealed and the following substituted therefor:

117.—(1) Paragraph 50 of subsection 1 of section 354 of *The Municipal Act* applies with necessary modifications to <sup>Industrial sites</sup> the Regional Corporation, and no area municipality shall <sup>R.S.O. 1970, c. 284</sup> exercise any such power save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

(2) In the event that any employee is required to remain on <sup>Application of s. 27</sup> the staff of any area municipality to complete the function referred to in subsection 1, the provisions of section 27 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>
3. The short title of this Act is *The Regional Municipality of Peel Amendment Act, 1979*. <sup>Short title</sup>

An Act to amend  
The Regional Municipality  
of Peel Act, 1973

---

*1st Reading*

October 30th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

---

*(Government Bill)*

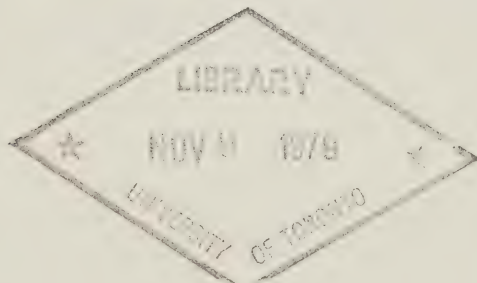
**BILL 159**

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, **ONTARIO**  
28 ELIZABETH II, 1979 *✓ Enacted*

**An Act to amend  
The Family Law Reform Act, 1978**

MR. BREITHAUPT



TORONTO

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#### EXPLANATORY NOTE

The purpose of the Bill is to clarify that a parent may obtain enforcement of an order for support of a dependent child under section 27 of the Act.

Subsection 1 of section 27 of the Act currently reads as follows:

- (1) The clerk of the Unified Family Court or of a provincial court (family division), upon the request of a person entitled to support under an order for support or maintenance enforceable in Ontario or other persons or agency mentioned in subsection 3 of section 18 and upon the filing of such material as is prescribed by the rules of the court may enforce the order.*

BILL 159

1979

## An Act to amend The Family Law Reform Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Family Law Reform Act, 1978*, being chapter 2, is repealed and the following substituted therefor: s. 27 (1).  
re-enacted
  - (1) The clerk of the Unified Family Court or of a provincial court (family division) may, upon the filing of such material as is prescribed by the rules of court, enforce an order for support or maintenance enforceable in Ontario, upon the request of, Enforcement  
of orders by  
family court  
clerk
    - (a) a dependant entitled to support under such order;
    - (b) the parent of such dependant; or
    - (c) other persons or agency mentioned in subsection 3 of section 18.
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Family Law Reform Amendment Act, 1979*. Short title

BILL 159

An Act to amend  
The Family Law Reform Act, 1978

*1st Reading*

November 1st, 1979

*2nd Reading*

*3rd Reading*

MR. BREITHAUPF

*(Private Member's Bill)*

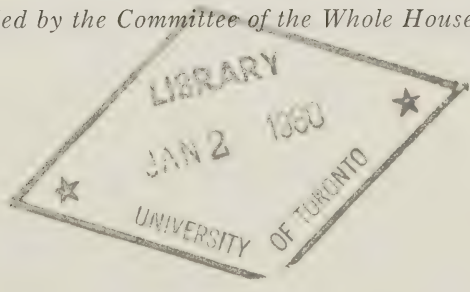
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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Family Law Reform Act, 1978

MR. BREITHAUPT

*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTE

The purpose of the Bill is to clarify that a parent may obtain enforcement of an order for support of a dependent child under section 27 of the Act.

Subsection 1 of section 27 of the Act currently reads as follows:

- (1) The clerk of the Unified Family Court or of a provincial court (family division), upon the request of a person entitled to support under an order for support or maintenance enforceable in Ontario or other persons or agency mentioned in subsection 3 of section 18 and upon the filing of such material as is prescribed by the rules of the court may enforce the order.*

BILL 159

1979

**An Act to amend  
The Family Law Reform Act, 1978**


**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 27 of *The Family Law Reform Act, 1978*, being chapter 2, is repealed and the following substituted therefor: s. 27 (1),  
re-enacted

(1) The clerk of the Unified Family Court or of a provincial court (family division) may, upon the filing of such material as is prescribed by the rules of court, enforce an order for support or maintenance enforceable in Ontario, upon the request of, Enforcement  
of orders by  
family court  
clerk

 (a) a person entitled to support under the order;

(b) a parent of a person entitled to support under the order;  
or

(c) a person or agency mentioned in clause *a* or *b* of subsection 3 of section 18. 

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** The short title of this Act is *The Family Law Reform Amendment Act, 1979*. Short title

# BILL 159

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An Act to amend  
The Family Law Reform Act, 1978

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*1st Reading*

November 1st, 1979

*2nd Reading*

November 22nd, 1979

*3rd Reading*

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MR. BREITHAUPT

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*(Reprinted as amended by the  
Committee of the Whole House)*

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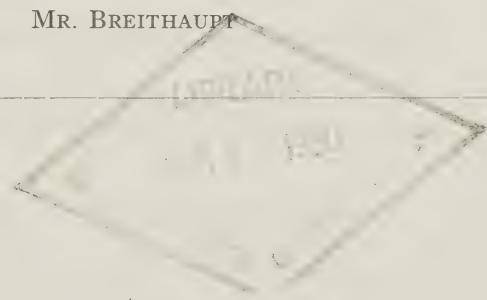
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BILL 159

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Family Law Reform Act, 1978

MR. BREITHAUP





BILL 159

1979

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# BILL 159

An Act to amend  
The Family Law Reform Act, 1978

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## *1st Reading*

November 1st, 1979

## *2nd Reading*

November 22nd, 1979

## *3rd Reading*

December 6th, 1979

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MR. BREITHAUPF

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to provide for  
Compulsory Automobile Insurance

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



## EXPLANATORY NOTES

The purpose of Part I of the Bill is to make automobile insurance compulsory in Ontario. Part II of the Bill contains amendments to *The Insurance Act* and *The Motor Vehicle Accident Claims Act* that are complementary to the introduction of compulsory automobile insurance.

### PART I

SECTION 1. Self-explanatory.

BILL 160

1979

## An Act to provide for Compulsory Automobile Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### COMPULSORY AUTOMOBILE INSURANCE

**1.** In this Part,

Interpre-  
tation

- (a) “agent” means an agent or broker within the meaning of *The Insurance Act* who is authorized to solicit automobile insurance; R.S.O. 1970,  
c. 224
- (b) “Association” means the Facility Association established under subsection 1 of section 7;
- (c) “automobile insurance” means insurance against liability arising out of bodily injury to or the death of a person or loss of or damage to property caused by a motor vehicle or the use or operation thereof, and which,
  - (i) insures at least to the limit required by section 218 of *The Insurance Act*,
  - (ii) provides the benefits prescribed in Schedule E to *The Insurance Act*, and
  - (iii) provides the benefits prescribed under section 230 of *The Insurance Act*, as re-enacted by section 16 of this Act;
- (d) “driver’s licence” has the same meaning as in *The Highway Traffic Act*; R.S.O. 1970,  
c. 202

R.S.O. 1970,  
c. 202

- (e) “highway” has the same meaning as in *The Highway Traffic Act*;
- (f) “insurance card” means,
  - (i) a Motor Vehicle Liability Insurance Card in the form approved by the Superintendent,
  - (ii) a policy of automobile insurance or a certificate of a policy in the form approved by the Superintendent, or
  - (iii) such evidence of insurance as may be prescribed by the regulations;
- (g) “insurer” means an insurer licensed under *The Insurance Act* and carrying on the business of automobile insurance, but does not include an insurer whose licence is limited to contracts of reinsurance;
- (h) “justice” means a provincial judge or a justice of the peace;
- (i) “motor vehicle” has the same meaning as in *The Highway Traffic Act* and includes trailers and accessories and equipment of a motor vehicle;
- (j) “Plan” means the Plan of Operation referred to in subsection 3 of section 7;
- (k) “police officer” means a chief of police or other police officer or constable or a person appointed under section 156 of *The Highway Traffic Act* for the purpose of carrying out the provisions of that Act;
- (l) “Registrar” means the Registrar of Motor Vehicles;
- (m) “regulations” means the regulations made under this Act;
- (n) “Superintendent” means the Superintendent of Insurance.

Compulsory  
automobile  
insurance

**2.—(1)** Subject to the regulations, no owner of a motor vehicle shall,

- (a) operate the motor vehicle; or
- (b) cause or permit the motor vehicle to be operated,

SECTION 2.—Subsection 1. On and after the 1st day of March, 1980, it will be an offence for the owner of a motor vehicle to operate or cause or permit the operation of his or her motor vehicle on a highway in Ontario unless it is insured under a contract of automobile insurance. This subsection applies to all motor vehicles regardless of where the vehicle is registered.

Subsection 2. This subsection defines “contract of automobile insurance” with respect to motor vehicles that are registered in Ontario. For the purposes of subsection 1, a motor vehicle registered in Ontario must be insured under a contract of automobile insurance entered into with an insurer that is licensed under *The Insurance Act* for carrying on the business of automobile insurance.

Subsections 3, 7. The minimum fine for the owner of a motor vehicle who operates or permits the operation of the vehicle without insurance, who produces a false insurance card or who supplies a false certificate of insurance is \$500. In addition his driver's licence may be suspended for up to one year and his motor vehicle may be impounded for up to three months.

Subsections 4, 5, 6, 8 and 9. These provisions are complementary to the powers to suspend a driver's licence and impound a motor vehicle set out in subsections 3 and 7.

on a highway unless the motor vehicle is insured under a contract of automobile insurance.

(2) For the purposes of subsection 1, where a permit for a motor vehicle has been issued under subsection 3 of section 6 of *The Highway Traffic Act*, “contract of automobile insurance” with respect to that motor vehicle means a contract of automobile insurance made with an insurer.

Interpretation  
R.S.O. 1970,  
c.202

(3) Every owner of a motor vehicle who, Offence

- (a) contravenes subsection 1 of this section or subsection 2 of section 13; or
- (b) surrenders an insurance card for inspection to a police officer, when requested to do so, purporting to show that the motor vehicle is insured under a contract of automobile insurance when the motor vehicle is not so insured,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500 and, in addition, his driver's licence may be suspended for a period of not more than one year.

(4) Where a justice makes a conviction under subsection 3 and the driver's licence of the person convicted is suspended by the justice, the justice shall take the driver's licence and forward it to the Registrar.

Justice to  
secure  
possession  
of driver's  
licence

(5) Where a driver's licence is suspended under this section and the person to whom the suspension applies refuses or fails to surrender his licence to the justice forthwith, any police officer may, and upon the direction of the Registrar shall, take possession of the licence and forward it to the Registrar.

Police  
officer  
may secure  
possession

(6) Every person who fails or refuses to surrender his driver's licence when required by a police officer pursuant to subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence

(7) In the event of a conviction under subsection 3, the justice may order that the motor vehicle,

Impounding  
motor vehicle

- (a) that was operated in contravention of subsection 1;
- (b) for which a false statement in respect of insurance was made in contravention of subsection 2 of section 13; or
- (c) for which an insurance card was produced in contravention of clause *b* of subsection 3,

shall be seized, impounded and taken into the custody of the law for a period of not more than three months.

Cost of  
storage  
R.S.O. 1970,  
c. 267

(8) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle that may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Release of  
vehicle on  
security given  
by owner

(9) If the person convicted under subsection 3 gives security to the satisfaction of the convicting justice, by bond, recognizance or otherwise, that the motor vehicle will not be operated upon a highway during the period specified by the justice in making an order under subsection 7, the motor vehicle may be released to the owner, and if the motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit, as defined in clause *b* of section 5a of *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

Three year  
limitation  
period

(10) Notwithstanding any other Act, proceedings may be commenced at any time within three years after the date on which an offence was, or is alleged to have been committed, under subsection 1 or clause *b* of subsection 3 of this section or subsection 2 of section 13.

Operator  
to carry  
insurance  
card

**3.—**(1) An operator of a motor vehicle on a highway shall have in the motor vehicle at all times,

(a) an insurance card for the motor vehicle; or

(b) an insurance card evidencing that the operator is insured under a contract of automobile insurance,

and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer.

Offence

(2) A person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Particulars  
to be  
disclosed

**4.—**(1) An operator of a motor vehicle on a highway who is directly or indirectly involved in an accident shall, on the request of any person directly or indirectly involved in the accident, disclose to the person the particulars of the contract of automobile insurance insuring the motor vehicle.

Interpre-  
tation

(2) For the purposes of subsection 1, “particulars of the contract of automobile insurance” means,

(a) the name and address of the insured;

(b) the make, model and serial number of the insured vehicle;

(c) the effective date and expiry date of the contract;

(d) the name of the insurer;

(e) the name of the insurer's agent, if any; and

Subsection 10. Self-explanatory.

SECTION 3.—Subsection 1. Under this subsection, the operator of a motor vehicle on a highway must carry an insurance card in the motor vehicle and he is required to produce the insurance card on the demand of a police officer.

Subsection 2. Self-explanatory.

SECTION 4. The operator of a motor vehicle who is involved in a motor vehicle accident on a highway is required, under this section, to provide the particulars of his insurance to all other persons involved in the accident.

SECTION 5. Under this section, every insurance agent authorized to solicit automobile insurance is required to provide application forms to the owners of motor vehicles, on request, and to submit the completed forms to an insurer.

SECTION 6. Self-explanatory.

SECTION 7. This section establishes the Facility Association as an unincorporated association made up of all insurers in Ontario. The Association is required to establish a Plan of Operation for the purpose of providing automobile insurance to those owners and drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance. It is the duty of the Association to ensure that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan.

The Association is subject to Part XVIII of *The Insurance Act*, which prohibits unfair and deceptive acts and practices in the insurance industry.

(f) the policy number of the contract.

5. An agent shall,

Obligations  
of agents

(a) provide to an owner of a motor vehicle who is a resident of Ontario an application for automobile insurance; and

(b) submit to an insurer a completed application for automobile insurance,

when requested to do so by the owner of a motor vehicle.

6.—(1) An insurer shall issue, or cause its agent to issue, an insurance card to a person with whom a contract of automobile insurance is made or whose contract of automobile insurance is renewed.

Insurance  
card to  
be issued

(2) No insurer or its agent shall, on an insurance card, specify an effective date earlier than the date on which the contract of automobile insurance was actually made or misrepresent in any other way the particulars of the automobile insurance.

Misrepresent-  
ations

7.—(1) There is hereby established an unincorporated association of insurers to be known as the Facility Association.

Facility  
Association  
established

(2) Every insurer is a member of the Association and shall be bound by the articles of association and by-laws of the Association.

Membership

(3) The Association shall, in its articles of association, establish a plan, to be known as the Plan of Operation, for providing a contract of automobile insurance to owners and licensed drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance.

The Plan

(4) The Association shall ensure, through its members, that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan to an insurer under clause *b* of section 5.

Duty of  
Association

(5) Where an agent submits an application under the Plan to an insurer, he shall be bound by the applicable articles of association and by-laws of the Association.

Agents bound  
by  
articles of  
association,  
etc.

(6) For the purposes of Part XVIII of *The Insurance Act*, the Association shall be deemed to be a person engaged in the business of insurance.

Deemed  
person for  
purposes of  
R.S.O. 1970,  
c. 224,  
Part XVIII

(7) The Association may, in its name,

Actions by  
and against  
Association

(a) be prosecuted for an offence under this Act or Part XVIII of *The Insurance Act*; and

(b) sue and be sued.

Board of  
directors

**8.—**(1) The affairs of the Association shall be administered by a board of directors established in accordance with its articles of association.

Information  
to be  
provided to  
Superintendent

(2) The Association shall notify the Superintendent of the names and residence addresses of the persons elected or appointed as officers and directors of the Association forthwith after such election or appointment, and such names and addresses may be made available to the public by the Superintendent.

Service on  
Association

(3) Service on the directors or officers of the Association, or any of them, is good and sufficient service on the Association, and such service may be by personal service or by registered mail.

Idem

(4) Where service on the Association is made by registered mail on a director or officer of the Association under subsection 3, the service shall be deemed to have been made on the fifth day after the day of mailing unless the notice is not delivered or the director or officer to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

By-laws

**9.—**(1) The Association may pass by-laws relating to its affairs and not inconsistent with this Act or the regulations,

(a) providing for the execution of documents by the Association;

(b) respecting banking and finance;

(c) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

(d) providing for the appointment and remuneration of officers and employees of the Association;

(e) respecting the calling, holding and conducting of meetings of the Association and the duties of members of the Association;

(f) delegating to an operating committee such powers and duties of the board of directors as are set out in the by-law, other than the power to make, amend or revoke by-laws;

SECTIONS 8 AND 9. These sections provide for various matters related to the operation of the Association.

SECTION 10.—Subsections 1, 2. The articles of association and by-laws of the Association must be filed with the Superintendent of Insurance by the 1st day of December, 1979. The Superintendent will have until the 31st day of December to review the articles and by-laws and make amendments to them if he is of the opinion that amendments are necessary to carry out the intent and purposes of the Association and the Act. If the Association fails to submit its articles of association or by-laws to the Superintendent by the 1st day of December, he may prescribe articles and by-laws for the Association.

Subsections 3, 4. By-laws and amendments to the by-laws and articles made after the first filing of the by-laws and articles must be approved by the Superintendent before they come into force.

- (g) prescribing forms and providing for their use;
- (h) respecting management of the property of the Association;
- (i) respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required and for the safekeeping of its securities;
- (j) imposing assessments on members of the Association for the purpose of meeting the operating costs of the Association and the Plan and providing for the collection of such assessments;
- (k) prescribing rules and procedures related to the operation of the Plan; and
- (l) respecting all of the things that are considered necessary for the operation of the Plan, the attainment of the objects of the Association and the efficient conduct of its affairs.

(2) Any power of the Association that may be exercised by by-law under subsection 1 may be provided for in the articles of association of the Association. Articles of association

**10.**—(1) The articles of association and by-laws of the Association shall be filed by the Association with the Superintendent on or before the 1st day of December, 1979. First filing of articles of association and by-laws

(2) Prior to the 31st day of December, 1979, the Superintendent may, by order, Powers of Superintendent on first filing

- (a) prescribe the articles of association and by-laws of the Association where the articles of association and by-laws are not filed in accordance with subsection 1; or
- (b) amend the articles of association or by-laws of the Association filed under subsection 1 where he believes on reasonable and probable grounds that such amendment is necessary for the carrying out of the intent and purposes of the Association and this Act,

and any order made under this subsection may be made retroactive to the 1st day of December, 1979.

(3) Every by-law and every amendment, revision or consolidation of the articles of association or by-laws of the Association shall be filed by the Association with the Superintendent at least thirty Filing of amendments to articles of association and by-laws

days prior to the effective date of the by-law or the amendment, revision or consolidation of the articles of association or by-laws.

Approval of  
Superintendent

(4) No by-law and no amendment, revision or consolidation of the articles of association or by-laws of the Association shall come into effect unless they are approved by the Superintendent.

Filing of  
rates

(5) The Association shall prepare and promulgate rates in respect of contracts provided under the Plan and shall file the rates, together with the statistical evidence and any other information relative to the determination of the rates, with the Superintendent at least sixty days prior to the introduction of the rates.

Duty of  
Superintendent  
to allow or  
disallow  
rates

(6) Within sixty days of a filing being made under subsection 5, the Superintendent shall, by order,

- (a) approve the rates so filed; or
- (b) disallow the rates so filed, where, in the opinion of the Superintendent, the rates are not in accordance with statistical evidence or experience or other justifiable factor.

Variation  
of rates

(7) Where, in the opinion of the Superintendent, any rates filed under subsection 5 are not in accordance with statistical evidence or experience or other justifiable factor, he may, by his order under clause *a* of subsection 6, approve the rates subject to such variation as may be prescribed in the order.

Effective  
date of  
an order

(8) An order made under this section does not take effect until ten days after the date on which it is served on the Association.

Appeal

(9) The Association may appeal an order made under this section to the Supreme Court.

Stay

(10) Notwithstanding that an appeal is taken under this section, the order appealed from takes effect, but the court may, except in the case of an order made under subsection 2, grant a stay until disposition of the appeal.

Certification  
of documents

(11) The Superintendent shall certify to the registrar of the court,

- (a) the decision of the Superintendent, together with any statement of reasons therefor;
- (b) the record of any proceedings before the Superintendent; and

Subsections 5 to 15. The Association must file the rates related to contracts provided under the Plan with the Superintendent for approval. If the Superintendent disallows or varies any rate filed under subsection 6, the Association may appeal to the Supreme Court.

SECTION 11. Self-explanatory.

SECTION 12. With the coming into effect of compulsory automobile insurance, insurers may cancel policies that have been in effect for more than sixty days under Statutory Condition 8 of section 205 of *The Insurance Act* for only those reasons set out in this section.

(c) all written submissions to the Superintendent or other material that is relevant to the appeal.

(12) The Superintendent is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Superintendent entitled to be heard

(13) Where an appeal is taken under this section, the court may by its order direct the Superintendent to make such decision or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Superintendent shall make such decision or do such act accordingly. Powers of court

(14) Notwithstanding an order of the court on an appeal, the Superintendent may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. Further decisions

(15) *The Regulations Act* does not apply to an order of the Superintendent made under this section. R.S.O. 1970, c. 410 does not apply

**11.** The members of the board of directors and the officers and employees of the Association shall furnish the Superintendent with such information and financial statements with respect to the Association and the Plan as the Superintendent may from time to time require, and the Superintendent shall make an annual report to the Minister of Consumer and Commercial Relations on the affairs of the Association. Furnishing of information to Superintendent. annual report

**12.—(1)** Where a contract of automobile insurance has been in effect for more than sixty days, the insurer may only terminate the contract under Statutory Condition 8 of section 205 of *The Insurance Act* for one or more of the following reasons: Termination of contracts of insurance R.S.O. 1970, c. 224

1. Non-payment of, or any part of, the premium due under the contract or of any charge under any agreement ancillary to the contract.
2. The insured has given false particulars of the described automobile to the prejudice of the insurer.
3. The insured has knowingly misrepresented or failed to disclose in an application for insurance any fact required to be stated therein.
4. For a material change in risk within the meaning of Statutory Condition 1 of the said section 205.

(2) Subsection 1 does not apply to,

Exception

- (a) an insurer running off its business, where the insurer has specific approval of the Superintendent to cancel a contract; or
- (b) a contract in respect of a motor vehicle used in the course of carrying on a business, trade or profession.

Certificate  
of insurance

**13.—**(1) Every person making an application for the issuance, validation or transfer of a permit for a motor vehicle shall certify, in the form prescribed by the regulations, that the motor vehicle is insured under a contract of automobile insurance and the Registrar, notwithstanding subsection 3 of section 6 of *The Highway Traffic Act*, shall not issue, validate or transfer the permit for the motor vehicle, where such certificate of insurance is not provided to the Registrar.

R.S.O. 1970,  
c. 202

Offence for  
false  
statement

(2) No person shall knowingly make a false statement in the certificate of insurance required under subsection 1.

General  
penalty

**14.—**(1) Except where otherwise provided, every person and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,500.

Contravention  
by insurer

(2) Where an insurer is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the insurer is \$25,000 and not as provided therein.

Suspension  
or  
cancellation  
of licence  
of insurer  
R.S.O. 1970,  
c. 224

(3) In addition to any penalty imposed under this Act, where an insurer contravenes this Act or the regulations, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the licence of the insurer issued under *The Insurance Act*.

Contravention  
by  
Association

(4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations, it is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Regulations

**15.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or group of persons from the provisions of this Act, subject to such conditions as may be set out in the regulations;
- (b) prescribing identifying markers for all automobiles licensed in Ontario and providing for their use;

SECTION 13. This section provides that the Registrar of Motor Vehicles shall refuse to issue, validate or transfer the permit for a motor vehicle unless the vehicle is insured. This section replaces sections 2 (2) (a) and 2 (3) of *The Motor Vehicle Accident Claims Act*.

SECTION 14. Self-explanatory.

SECTION 15. Self-explanatory.

## PART II

SECTION 16. The amendments to *The Insurance Act* are complementary to the enactment of Part I of this Bill.

The proposed section 230 of *The Insurance Act* makes uninsured automobile coverage a mandatory provision in every policy on and after the 1st day of March, 1980.

- (c) prescribing documents which may be accepted as evidence of the existence of a contract of automobile insurance in lieu of a Motor Vehicle Liability Insurance Card, policy of automobile insurance or certificate of a policy;
- (d) prescribing the type of statistical evidence and other information to be filed in support of rates under subsection 5 of section 10; and
- (e) prescribing forms and providing for their use.

## PART II

### AMENDMENTS TO THE INSURANCE ACT AND THE MOTOR VEHICLE ACCIDENT CLAIMS ACT

**16.**—(1) Subsection 8 of section 201 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 224,  
s. 201 (8),  
repealed

(2) Section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 41, section 5, is repealed. s. 214,  
repealed

(3) Section 230 of the said Act is repealed and the following substituted therefor: s. 230,  
re-enacted

**230.**—(1) Every contract evidenced by a motor vehicle liability policy shall provide for payment of all sums that, Uninsured  
automobile  
coverage

- (a) a person insured under the contract is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injuries resulting from an accident involving an automobile;
- (b) any person is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injury to or the death of a person insured under the contract resulting from an accident involving an automobile; and
- (c) a person insured under the contract is legally entitled to recover from the identified owner or driver of an uninsured automobile as damages for accidental damage to the insured automobile or its contents, or to both the insured automobile and its contents, resulting from an accident involving an automobile,

subject to the terms, conditions, provisions, exclusions and limits as are prescribed by the regulations.

## (2) For the purposes of this section,

(a) “insured automobile” means the automobile as defined or described under the contract;

(b) “person insured under the contract” means,

(i) in respect of a claim for damage to the insured automobile, the owner of the automobile,

(ii) in respect of a claim for damage to the contents of the insured automobile, the owner of the contents,

(iii) in respect of a claim for bodily injuries or death,

a. any person while an occupant of the insured automobile,

b. the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either,

1. while an occupant of any automobile, other than the insured automobile, with respect to which neither the owner nor driver thereof has applicable and collectible bodily injury liability insurance for its ownership, use or operation,

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

c. if the insured is a corporation, unincorporated association, or partnership, any director, officer, employee or partner of the insured for whose regular use the insured automobile is furnished, and his or her spouse and any dependent relative of such director, officer, employee or partner,

1. while an occupant of any other automobile with respect to which neither the owner nor driver thereof

has applicable and collectible bodily injury liability insurance for its ownership, use or operation, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

where such director, officer or employee or the spouse of such director, officer or employee is not the owner of an insured automobile;

- (c) “unidentified automobile” means an automobile with respect to which the identity of either the owner or driver cannot be ascertained;

- (d) “uninsured automobile” means an automobile with respect to which neither the owner nor driver thereof has applicable and collectible bodily injury liability and property damage liability insurance for its ownership, use or operation, but does not include an automobile owned by or registered in the name of the insured or his or her spouse.

(3) The Lieutenant Governor in Council may make regula- Regulations  
tions,

- (a) prescribing, amending or altering the terms, conditions, provisions, exclusions and limits with respect to payments under subsection 1;
- (b) deeming any term, condition, provision, exclusion or limit as prescribed, amended or altered by a regulation made under clause *a* to be included in any motor vehicle liability policy made or renewed on or after the effective date of the regulation and in any motor vehicle liability policy that is subsisting on the effective date of the regulation; and
- (c) requiring that terms, conditions, provisions, exclusions and limits, as prescribed, amended or altered by a regulation made under clause *a*, be attached to or included in every motor vehicle liability policy as a Schedule in or to the policy.

(4) Where an amount is paid under subsection 1, the insurer is Subrogation  
subrogated to the rights of the person to whom such amount is

paid and the insurer may maintain an action in its name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured or unidentified automobile.

Release

1978, c. 2

(5) Any payments made to a person under Schedule E constitute, to the extent of such payments, a release by the person or his personal representative or any person claiming through or under him or by virtue of Part V of *The Family Law Reform Act, 1978*, of any claim that he may have under subsection 1, but in no event shall such release enure to the benefit of the person or persons against whom the insurer has a right of subrogation under subsection 4.

Application

(6) This section applies to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of March, 1980, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of March, 1980, shall be deemed to provide for the payments referred to in subsection 1 in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

R.S.O. 1970,  
c. 281,  
s. 2 (2, 3, 5),  
repealed

**17.**—(1) Subsections 2, 3 and 5 of section 2 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, are repealed.

s. 3,  
repealed

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 13, section 2, is repealed.

s. 5 (1),  
amended

(3) Subsection 1 of section 5 of the said Act is amended by striking out “no amount of less than \$50 is payable in respect of such loss or property damage” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the damages exceed \$100 is payable out of the Fund”.

s. 6 (1),  
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out “no amount of less than \$50 is payable out of the Fund” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the judgment exceeds \$100 is payable out of the Fund”.

### PART III

#### COMMENCEMENT

Commence-  
ment

**18.**—(1) This Act, except sections 2, 3, 4, 5, 6, 12, 13, 16 and 17, comes into force on the day it receives Royal Assent.

SECTION 17. The amendments to *The Motor Vehicle Accident Claims Act* are complementary to the enactment of Part I of this Bill.

The Fund will continue to exist. However, with the coming into force of compulsory automobile insurance, it will no longer be possible for an uninsured motorist to make a payment into the Fund in lieu of obtaining insurance.

It is recognized that there will continue to be accidents such as hit and run accidents involving pedestrians who are not automobile owners and who will therefore not have uninsured automobile coverage under subsection 1 of section 230 of *The Insurance Act*. Therefore, the Fund will remain necessary.

The amendments set out in subsections 3 and 4 of this section of the Bill raise the deductible amounts for claims against the Fund from \$50 to \$100.



(2) Sections 5, 6, 12 and 13, subsection 1 of section 16 and <sup>Idem</sup> subsection 1 of section 17 come into force on the 1st day of December, 1979.

(3) Sections 2, 3 and 4, subsections 2 and 3 of section 16 and <sup>Idem</sup> subsections 2, 3 and 4 of section 17 come into force on the 1st day of March, 1980.

**19.** The short title of this Act is *The Compulsory Automobile Insurance Act, 1979*. <sup>Short title</sup>





An Act to provide for  
Compulsory Automobile Insurance

*1st Reading*

November 2nd, 1979

*2nd Reading*

*3rd Reading*

THE HON. FRANK DREA  
Minister of Consumer  
and Commercial Relations

*(Government Bill)*

CA26N  
XB  
-B56

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

## An Act to provide for Compulsory Automobile Insurance

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

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## EXPLANATORY NOTES

The purpose of Part I of the Bill is to make automobile insurance compulsory in Ontario. Part II of the Bill contains amendments to *The Insurance Act* and *The Motor Vehicle Accident Claims Act* that are complementary to the introduction of compulsory automobile insurance.

## PART I

### SECTION 1. Self-explanatory.

BILL 160

1979

## An Act to provide for Compulsory Automobile Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### COMPULSORY AUTOMOBILE INSURANCE

**1. In this Part,**

Inter-  
pre-  
tation

- (a) “agent” means an agent or broker within the meaning of *The Insurance Act* who is authorized to solicit automobile insurance; R.S.O. 1970.  
c. 224
- (b) “Association” means the Facility Association established under subsection 1 of section 7;
- (c) “automobile insurance” means insurance against liability arising out of bodily injury to or the death of a person or loss of or damage to property caused by a motor vehicle or the use or operation thereof, and which,
  - (i) insures at least to the limit required by section 218 of *The Insurance Act*,
  - (ii) provides the benefits prescribed in Schedule E to *The Insurance Act*, and
  - (iii) provides the benefits prescribed under section 230 of *The Insurance Act*, as re-enacted by section 16 of this Act;
- (d) “driver’s licence” has the same meaning as in *The Highway Traffic Act*; R.S.O. 1970.  
c. 202

R.S.O. 1970.  
c. 202

- (e) “highway” has the same meaning as in *The Highway Traffic Act*;
- (f) “insurance card” means,
  - (i) a Motor Vehicle Liability Insurance Card in the form approved by the Superintendent,
  - (ii) a policy of automobile insurance or a certificate of a policy in the form approved by the Superintendent, or
  - (iii) such evidence of insurance as may be prescribed by the regulations;
- (g) “insurer” means an insurer licensed under *The Insurance Act* and carrying on the business of automobile insurance, but does not include an insurer whose licence is limited to contracts of reinsurance;
- (h) “justice” means a provincial judge or a justice of the peace;
- (i) “motor vehicle” has the same meaning as in *The Highway Traffic Act* and includes trailers and accessories and equipment of a motor vehicle;
- (j) “Plan” means the Plan of Operation referred to in subsection 3 of section 7;
- (k) “police officer” means a chief of police or other police officer or constable or a person appointed under section 156 of *The Highway Traffic Act* for the purpose of carrying out the provisions of that Act;
- (l) “Registrar” means the Registrar of Motor Vehicles;
- (m) “regulations” means the regulations made under this Act;
- (n) “Superintendent” means the Superintendent of Insurance.

Compulsory  
automobile  
insurance

**2.—(1)** Subject to the regulations, no owner of a motor vehicle shall,

- (a) operate the motor vehicle; or
- (b) cause or permit the motor vehicle to be operated,

SECTION 2.—Subsection 1. On and after the 1st day of March, 1980, it will be an offence for the owner of a motor vehicle to operate or cause or permit the operation of his or her motor vehicle on a highway in Ontario unless it is insured under a contract of automobile insurance. This subsection applies to all motor vehicles regardless of where the vehicle is registered.

Subsection 2. This subsection defines “contract of automobile insurance” with respect to motor vehicles that are registered in Ontario. For the purposes of subsection 1, a motor vehicle registered in Ontario must be insured under a contract of automobile insurance entered into with an insurer that is licensed under *The Insurance Act* for carrying on the business of automobile insurance.

Subsections 3, 7. The minimum fine for the owner of a motor vehicle who operates or permits the operation of the vehicle without insurance, who produces a false insurance card or who supplies a false certificate of insurance is \$500. In addition his driver's licence may be suspended for up to one year and his motor vehicle may be impounded for up to three months.

Subsections 4, 5, 6, 8 and 9. These provisions are complementary to the powers to suspend a driver's licence and impound a motor vehicle set out in subsections 3 and 7.

on a highway unless the motor vehicle is insured under a contract of automobile insurance.

(2) For the purposes of subsection 1, where a permit for a motor vehicle has been issued under subsection 3 of section 6 of *The Highway Traffic Act*, “contract of automobile insurance” with respect to that motor vehicle means a contract of automobile insurance made with an insurer.

Interpre-  
tation  
R.S.O. 1970,  
c.202

(3) Every owner of a motor vehicle who, Offence

- (a) contravenes subsection 1 of this section or subsection 2 of section 13; or
- (b) surrenders an insurance card for inspection to a police officer, when requested to do so, purporting to show that the motor vehicle is insured under a contract of automobile insurance when the motor vehicle is not so insured,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500 and, in addition, his driver’s licence may be suspended for a period of not more than one year.

(4) Where a justice makes a conviction under subsection 3 and the driver’s licence of the person convicted is suspended by the justice, the justice shall take the driver’s licence and forward it to the Registrar.

Justice to  
secure  
possession  
of driver’s  
licence

(5) Where a driver’s licence is suspended under this section and the person to whom the suspension applies refuses or fails to surrender his licence to the justice forthwith, any police officer may, and upon the direction of the Registrar shall, take possession of the licence and forward it to the Registrar.

Police  
officer  
may secure  
possession

(6) Every person who fails or refuses to surrender his driver’s licence when required by a police officer pursuant to subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence

(7) In the event of a conviction under subsection 3, the justice may order that the motor vehicle, Impounding  
motor vehicle

- (a) that was operated in contravention of subsection 1;
- (b) for which a false statement in respect of insurance was made in contravention of subsection 2 of section 13; or
- (c) for which an insurance card was produced in contravention of clause *b* of subsection 3,

shall be seized, impounded and taken into the custody of the law for a period of not more than three months.

Cost of  
storage  
R.S.O. 1970,  
c. 267

(8) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle that may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Release of  
vehicle on  
security given  
by owner

(9) If the person convicted under subsection 3 gives security to the satisfaction of the convicting justice, by bond, recognizance or otherwise, that the motor vehicle will not be operated upon a highway during the period specified by the justice in making an order under subsection 7, the motor vehicle may be released to the owner, and if the motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit, as defined in clause *b* of section 5*a* of *The Highway Traffic Act*.

R.S.O. 1970,  
c. 202

Three year  
limitation  
period

(10) Notwithstanding any other Act, proceedings may be commenced at any time within three years after the date on which an offence was, or is alleged to have been committed, under subsection 1 or clause *b* of subsection 3 of this section or subsection 2 of section 13.

Operator  
to carry  
insurance  
card

**3.—**(1) An operator of a motor vehicle on a highway shall have in the motor vehicle at all times,

(*a*) an insurance card for the motor vehicle; or

(*b*) an insurance card evidencing that the operator is insured under a contract of automobile insurance,

and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer.

Offence

(2) A person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Particulars  
to be  
disclosed

**4.—**(1) An operator of a motor vehicle on a highway who is directly or indirectly involved in an accident shall, on the request of any person directly or indirectly involved in the accident, disclose to the person the particulars of the contract of automobile insurance insuring the motor vehicle.

Interpre-  
tation

(2) For the purposes of subsection 1, “particulars of the contract of automobile insurance” means,

(*a*) the name and address of the insured;

(*b*) the make, model and serial number of the insured vehicle;

(*c*) the effective date and expiry date of the contract;

(*d*) the name of the insurer;

(*e*) the name of the insurer's agent, if any; and

Subsection 10. Self-explanatory.

SECTION 3.—Subsection 1. Under this subsection, the operator of a motor vehicle on a highway must carry an insurance card in the motor vehicle and he is required to produce the insurance card on the demand of a police officer.

Subsection 2. Self-explanatory.

SECTION 4. The operator of a motor vehicle who is involved in a motor vehicle accident on a highway is required, under this section, to provide the particulars of his insurance to all other persons involved in the accident.

SECTION 5. Under this section, every insurance agent authorized to solicit automobile insurance is required to provide application forms to the owners of motor vehicles, on request, and to submit the completed forms to an insurer.

SECTION 6. Self-explanatory.

SECTION 7. This section establishes the Facility Association as an unincorporated non-profit association made up of all insurers in Ontario. The Association is required to establish a Plan of Operation for the purpose of providing automobile insurance to those owners and drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance. It is the duty of the Association to ensure that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan.

The Association is subject to Part XVIII of *The Insurance Act*, which prohibits unfair and deceptive acts and practices in the insurance industry.

(f) the policy number of the contract.

**5.** An agent shall,

Obligations  
of agents

- (a) provide to an owner of a motor vehicle who is a resident of Ontario an application for automobile insurance; and
- (b) submit to an insurer a completed application for automobile insurance,

when requested to do so by the owner of a motor vehicle.

**6.**—(1) An insurer shall issue, or cause its agent to issue, an insurance card to a person with whom a contract of automobile insurance is made or whose contract of automobile insurance is renewed.

Insurance  
card to  
be issued

(2) No insurer or its agent shall, on an insurance card, specify an effective date earlier than the date on which the contract of automobile insurance was actually made or misrepresent in any other way the particulars of the automobile insurance.

Misrepresent-  
ations

**7.**—(1) There is hereby established an unincorporated non-profit association of insurers to be known as the Facility Association.

Facility  
Association  
established

(2) Every insurer is a member of the Association and shall be bound by the articles of association and by-laws of the Association.

Membership

(3) The Association shall, in its articles of association, establish a plan, to be known as the Plan of Operation, for providing a contract of automobile insurance to owners and licensed drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance.

The Plan

(4) The Association shall ensure, through its members, that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan to an insurer under clause *b* of section 5.

Duty of  
Association

(5) Where an agent submits an application under the Plan to an insurer, he shall be bound by the applicable articles of association and by-laws of the Association.

Agents bound  
by  
articles of  
association,  
etc.

(6) For the purposes of Part XVIII of *The Insurance Act*, the Association shall be deemed to be a person engaged in the business of insurance.

Deemed  
person for  
purposes of  
R.S.O. 1970,  
c. 224,  
Part XVIII

(7) The Association may, in its name,

Actions by  
and against  
Association

- (a) be prosecuted for an offence under this Act or Part XVIII of *The Insurance Act*; and
- (b) sue and be sued.

Board of  
directors

**8.—**(1) The affairs of the Association shall be administered by a board of directors established in accordance with its articles of association.

Information  
to be  
provided to  
Superintendent

(2) The Association shall notify the Superintendent of the names and residence addresses of the persons elected or appointed as officers and directors of the Association forthwith after such election or appointment, and such names and addresses may be made available to the public by the Superintendent.

Service on  
Association

(3) Service on the directors or officers of the Association, or any of them, is good and sufficient service on the Association, and such service may be by personal service or by registered mail.

*Idem*

(4) Where service on the Association is made by registered mail on a director or officer of the Association under subsection 3, the service shall be deemed to have been made on the fifth day after the day of mailing unless the notice is not delivered or the director or officer to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

By-laws

**9.—**(1) The Association may pass by-laws relating to its affairs and not inconsistent with this Act or the regulations,

- (a) providing for the execution of documents by the Association;
- (b) respecting banking and finance;
- (c) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
- (d) providing for the appointment and remuneration of officers and employees of the Association;
- (e) respecting the calling, holding and conducting of meetings of the Association and the duties of members of the Association;
- (f) delegating to an operating committee such powers and duties of the board of directors as are set out in the by-law, other than the power to make, amend or revoke by-laws;

SECTIONS 8 AND 9. These sections provide for various matters related to the operation of the Association.

SECTION 10.—Subsections 1, 2. The articles of association and by-laws of the Association must be filed with the Superintendent of Insurance by the 1st day of December, 1979. The Superintendent will have until the 31st day of December to review the articles and by-laws and make amendments to them if he is of the opinion that amendments are necessary to carry out the intent and purposes of the Association and the Act. If the Association fails to submit its articles of association or by-laws to the Superintendent by the 1st day of December, he may prescribe articles and by-laws for the Association.

Subsections 3, 4. By-laws and amendments to the by-laws and articles made after the first filing of the by-laws and articles must be approved by the Superintendent before they come into force.

- (g) prescribing forms and providing for their use;
- (h) respecting management of the property of the Association;
- (i) respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required and for the safekeeping of its securities;
- (j) imposing assessments on members of the Association for the purpose of meeting the operating costs of the Association and the Plan and providing for the collection of such assessments;
- (k) prescribing rules and procedures related to the operation of the Plan; and
- (l) respecting all of the things that are considered necessary for the operation of the Plan, the attainment of the objects of the Association and the efficient conduct of its affairs.

(2) Any power of the Association that may be exercised by by-law under subsection 1 may be provided for in the articles of association of the Association. Articles of association

**10.—**(1) The articles of association and by-laws of the Association shall be filed by the Association with the Superintendent on or before the 1st day of December, 1979. First filing of articles of association and by-laws

(2) Prior to the 31st day of December, 1979, the Superintendent may, by order, Powers of Superintendent on first filing

- (a) prescribe the articles of association and by-laws of the Association where the articles of association and by-laws are not filed in accordance with subsection 1; or
- (b) amend the articles of association or by-laws of the Association filed under subsection 1 where he believes on reasonable and probable grounds that such amendment is necessary for the carrying out of the intent and purposes of the Association and this Act,

and any order made under this subsection may be made retroactive to the 1st day of December, 1979.

(3) Every by-law and every amendment, revision or consolidation of the articles of association or by-laws of the Association shall be filed by the Association with the Superintendent at least thirty Filing of amendments to articles of association and by-laws

days prior to the effective date of the by-law or the amendment, revision or consolidation of the articles of association or by-laws.

Approval of  
Superintendent

(4) No by-law and no amendment, revision or consolidation of the articles of association or by-laws of the Association shall come into effect unless they are approved by the Superintendent.

Filing of  
rates

(5) The Association shall prepare and promulgate rates in respect of contracts provided under the Plan and shall file the rates, together with the statistical evidence and any other information relative to the determination of the rates, with the Superintendent at least sixty days prior to the introduction of the rates.

Duty of  
Superintendent  
to allow or  
disallow  
rates

(6) Within sixty days of a filing being made under subsection 5, the Superintendent shall, by order,

(a) approve the rates so filed; or

(b) disallow the rates so filed, where, in the opinion of the Superintendent, the rates are not in accordance with statistical evidence or experience or other justifiable factor.

Variation  
of rates

(7) Where, in the opinion of the Superintendent, any rates filed under subsection 5 are not in accordance with statistical evidence or experience or other justifiable factor, he may, by his order under clause *a* of subsection 6, approve the rates subject to such variation as may be prescribed in the order.

Effective  
date of  
an order

(8) An order made under this section does not take effect until ten days after the date on which it is served on the Association.

Appeal

(9) The Association may appeal an order made under this section to the Supreme Court.

Stay

(10) Notwithstanding that an appeal is taken under this section, the order appealed from takes effect, but the court may, except in the case of an order made under subsection 2, grant a stay until disposition of the appeal.

Certification  
of documents

(11) The Superintendent shall certify to the registrar of the court,

(a) the decision of the Superintendent, together with any statement of reasons therefor;

(b) the record of any proceedings before the Superintendent; and

Subsections 5 to 15. The Association must file the rates related to contracts provided under the Plan with the Superintendent for approval. If the Superintendent disallows or varies any rate filed under subsection 6, the Association may appeal to the Supreme Court.

SECTION 11. Self-explanatory.

SECTION 12. With the coming into effect of compulsory automobile insurance, insurers may cancel policies that have been in effect for more than sixty days under Statutory Condition 8 of section 205 of *The Insurance Act* for only those reasons set out in this section.

- (c) all written submissions to the Superintendent or other material that is relevant to the appeal.

(12) The Superintendent is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Superintendent entitled to be heard

(13) Where an appeal is taken under this section, the court may by its order direct the Superintendent to make such decision or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Superintendent shall make such decision or do such act accordingly. Powers of court

(14) Notwithstanding an order of the court on an appeal, the Superintendent may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. Further decisions

(15) *The Regulations Act* does not apply to an order of the Superintendent made under this section. R.S.O. 1970, c. 410 does not apply

**11.** The members of the board of directors and the officers and employees of the Association shall furnish the Superintendent with such information and financial statements with respect to the Association and the Plan as the Superintendent may from time to time require, and the Superintendent shall make an annual report to the Minister of Consumer and Commercial Relations on the affairs of the Association and the Minister shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Furnishing of information to Superintendent, annual report

**12.—**(1) Where a contract of automobile insurance has been in effect for more than sixty days, the insurer may only terminate the contract under Statutory Condition 8 of section 205 of *The Insurance Act* for one or more of the following reasons: Termination of contracts of insurance R.S.O. 1970, c. 224

1. Non-payment of, or any part of, the premium due under the contract or of any charge under any agreement ancillary to the contract.
2. The insured has given false particulars of the described automobile to the prejudice of the insurer.
3. The insured has knowingly misrepresented or failed to disclose in an application for insurance any fact required to be stated therein.
4. For a material change in risk within the meaning of Statutory Condition 1 of the said section 205.

(2) Subsection 1 does not apply to, Exception

- (a) an insurer running off its business, where the insurer has specific approval of the Superintendent to cancel a contract; or
- (b) a contract in respect of a motor vehicle used in the course of carrying on a business, trade or profession.

Certificate  
of insurance

R.S.O. 1970,  
c. 202

**13.**—(1) Every person making an application for the issuance, validation or transfer of a permit for a motor vehicle shall certify, in the form prescribed by the regulations, that the motor vehicle is insured under a contract of automobile insurance and the Registrar, notwithstanding subsection 3 of section 6 of *The Highway Traffic Act*, shall not issue, validate or transfer the permit for the motor vehicle, where such certificate of insurance is not provided to the Registrar.

Offence for  
false  
statement

(2) No person shall knowingly make a false statement in the certificate of insurance required under subsection 1.

General  
penalty

**14.**—(1) Except where otherwise provided, every person and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,500.

Contravention  
by insurer

(2) Where an insurer is convicted of an offence under subsection 1, the minimum penalty that may be imposed upon the insurer is \$5,000 and the maximum penalty that may be imposed upon the insurer is \$50,000 and not as provided therein.

Suspension  
or  
cancellation  
of licence  
of insurer

R.S.O. 1970,  
c. 224

(3) In addition to any penalty imposed under this Act, where an insurer contravenes this Act or the regulations, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the licence of the insurer issued under *The Insurance Act*.

Contravention  
by  
Association

(4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations, it is guilty of an offence and on summary conviction is liable to a fine of not less than \$5,000 and not more than \$50,000.

Regulations

**15.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or group of persons from the provisions of this Act, subject to such conditions as may be set out in the regulations;
- (b) prescribing identifying markers for all automobiles licensed in Ontario and providing for their use;

SECTION 13. This section provides that the Registrar of Motor Vehicles shall refuse to issue, validate or transfer the permit for a motor vehicle unless the vehicle is insured. This section replaces sections 2 (2) (a) and 2 (3) of *The Motor Vehicle Accident Claims Act*.

SECTION 14. Self-explanatory.

SECTION 15. Self-explanatory.

## PART II

SECTION 16. The amendments to *The Insurance Act* are complementary to the enactment of Part I of this Bill.

The proposed section 230 of *The Insurance Act* makes uninsured automobile coverage a mandatory provision in every policy on and after the 1st day of March, 1980.

- (c) prescribing documents which may be accepted as evidence of the existence of a contract of automobile insurance in lieu of a Motor Vehicle Liability Insurance Card, policy of automobile insurance or certificate of a policy;
- (d) prescribing the type of statistical evidence and other information to be filed in support of rates under subsection 5 of section 10; and
- (e) prescribing forms and providing for their use.

## PART II

### AMENDMENTS TO THE INSURANCE ACT AND THE MOTOR VEHICLE ACCIDENT CLAIMS ACT

**16.**—(1) Subsection 8 of section 201 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 224,  
s. 201 (8),  
repealed

(2) Section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 41, section 5, is repealed. s. 214,  
repealed

(3) Section 230 of the said Act is repealed and the following substituted therefor: s. 230,  
re-enacted

**230.**—(1) Every contract evidenced by a motor vehicle liability policy shall provide for payment of all sums that, Uninsured  
automobile  
coverage

- (a) a person insured under the contract is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injuries resulting from an accident involving an automobile;
- (b) any person is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injury to or the death of a person insured under the contract resulting from an accident involving an automobile; and
- (c) a person insured under the contract is legally entitled to recover from the identified owner or driver of an uninsured automobile as damages for accidental damage to the insured automobile or its contents, or to both the insured automobile and its contents, resulting from an accident involving an automobile,

subject to the terms, conditions, provisions, exclusions and limits as are prescribed by the regulations.

interpre-  
tation

(2) For the purposes of this section,

(a) “insured automobile” means the automobile as defined or described under the contract;

(b) “person insured under the contract” means,

(i) in respect of a claim for damage to the insured automobile, the owner of the automobile,

(ii) in respect of a claim for damage to the contents of the insured automobile, the owner of the contents,



(iii) in respect of a claim for bodily injuries or death,

a. any person while an occupant of the insured automobile,

b. the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

c. if the insured is a corporation, unincorporated association or partnership, any director, officer, employee or partner of the insured for whose regular use the insured automobile is furnished, and, if residing in the same dwelling premises as such person, his or her spouse and any dependent relative of the person or the spouse,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

where such director, officer, employee or partner or his or her spouse is not the owner of an automobile insured under a contract;

- (c) “unidentified automobile” means an automobile with respect to which the identity of either the owner or driver cannot be ascertained;
- (d) “uninsured automobile” means an automobile with respect to which neither the owner nor driver thereof has applicable and collectible bodily injury liability and property damage liability insurance for its ownership, use or operation, but does not include an automobile owned by or registered in the name of the insured or his or her spouse.



(3) Where a dependent relative referred to in subclause iii of clause *b* of subsection 2,

- (a) is the owner of an automobile insured under a contract;  
or
- (b) sustains bodily injuries or dies as the result of accident while the occupant of his own uninsured automobile,

such relative shall be deemed not to be a dependent relative for the purposes of this section.



(4) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing, amending or altering the terms, conditions, provisions, exclusions and limits with respect to payments under subsection 1;
- (b) deeming any term, condition, provision, exclusion or limit as prescribed, amended or altered by a regulation made under clause *a* to be included in any motor vehicle liability policy made or renewed on or after the effective date of the regulation and in any motor vehicle liability policy that is subsisting on the effective date of the regulation; and
- (c) requiring that terms, conditions, provisions, exclusions and limits, as prescribed, amended or altered by a regulation made under clause *a*, be attached to or included in every motor vehicle liability policy as a Schedule in or to the policy.

(5) Where an amount is paid under subsection 1, the insurer is subrogated to the rights of the person to whom such amount is Subrogation

paid and the insurer may maintain an action in its name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured or unidentified automobile.

Release

(6) Any payments made or available to a person under Schedule E constitute, to the extent of such payments, a release by the person or his personal representative or any person claiming through or under him or by virtue of Part V of *The Family Law Reform Act, 1978*, of any claim that he may have under subsection 1, but in no event shall such release enure to the benefit of the person or persons against whom the insurer has a right of subrogation under subsection 5.

1978, c. 2

Application

(7) This section applies to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of March, 1980, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of March, 1980, shall be deemed to provide for the payments referred to in subsection 1 in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

R.S.O. 1970,  
c. 281,  
s. 2 (2, 3, 5),  
repealed

**17.**—(1) Subsections 2, 3 and 5 of section 2 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, are repealed.

s. 3,  
repealed

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 13, section 2, is repealed.

s. 5 (1),  
amended

(3) Subsection 1 of section 5 of the said Act is amended by striking out “no amount of less than \$50 is payable in respect of such loss or property damage” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the damages exceed \$100 is payable out of the Fund”.

s. 6 (1),  
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out “no amount of less than \$50 is payable out of the Fund” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the judgment exceeds \$100 is payable out of the Fund”.

### PART III

#### COMMENCEMENT

Commence-  
ment

**18.**—(1) This Act, except sections 2, 3, 4, 5, 6, 12, 13, 16 and 17, comes into force on the day it receives Royal Assent.

SECTION 17. The amendments to *The Motor Vehicle Accident Claims Act* are complementary to the enactment of Part I of this Bill.

The Fund will continue to exist. However, with the coming into force of compulsory automobile insurance, it will no longer be possible for an uninsured motorist to make a payment into the Fund in lieu of obtaining insurance.

It is recognized that there will continue to be accidents such as hit and run accidents involving pedestrians who are not automobile owners and who will therefore not have uninsured automobile coverage under subsection 1 of section 230 of *The Insurance Act*. Therefore, the Fund will remain necessary.

The amendments set out in subsections 3 and 4 of this section of the Bill raise the deductible amounts for claims against the Fund from \$50 to \$100.



(2) Sections 5, 6, 12 and 13, subsection 1 of section 16 and <sup>idem</sup> subsection 1 of section 17 come into force on the 1st day of December, 1979.

(3) Sections 2, 3 and 4, subsections 2 and 3 of section 16 and <sup>idem</sup> subsections 2, 3 and 4 of section 17 come into force on the 1st day of March, 1980.

**19.** The short title of this Act is *The Compulsory Automobile* <sup>Short title</sup> *Insurance Act, 1979*.





An Act to provide for  
Compulsory Automobile Insurance

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*1st Reading*

November 2nd, 1979

*2nd Reading*

November 20th, 1979

*3rd Reading*

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THE HON. FRANK DREA  
Minister of Consumer  
and Commercial Relations

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*(Reprinted as amended by  
the Committee of the Whole House)*

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1356

17 BILL 160

3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
28 ELIZABETH II, 1979 *Regina*

**An Act to provide for  
Compulsory Automobile Insurance**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations





BILL 160

1979

## An Act to provide for Compulsory Automobile Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### COMPULSORY AUTOMOBILE INSURANCE

**1.** In this Part,

Interpre-  
tation

- (a) “agent” means an agent or broker within the meaning of *The Insurance Act* who is authorized to solicit automobile insurance; R.S.O. 1970.  
c. 224
- (b) “Association” means the Facility Association established under subsection 1 of section 7;
- (c) “automobile insurance” means insurance against liability arising out of bodily injury to or the death of a person or loss of or damage to property caused by a motor vehicle or the use or operation thereof, and which,
  - (i) insures at least to the limit required by section 218 of *The Insurance Act*,
  - (ii) provides the benefits prescribed in Schedule E to *The Insurance Act*, and
  - (iii) provides the benefits prescribed under section 230 of *The Insurance Act*, as re-enacted by section 16 of this Act;
- (d) “driver’s licence” has the same meaning as in *The Highway Traffic Act*; R.S.O. 1970.  
c. 202

R.S.O. 1970.  
c. 202

- (e) “highway” has the same meaning as in *The Highway Traffic Act*;
- (f) “insurance card” means,
  - (i) a Motor Vehicle Liability Insurance Card in the form approved by the Superintendent,
  - (ii) a policy of automobile insurance or a certificate of a policy in the form approved by the Superintendent, or
  - (iii) such evidence of insurance as may be prescribed by the regulations;
- (g) “insurer” means an insurer licensed under *The Insurance Act* and carrying on the business of automobile insurance, but does not include an insurer whose licence is limited to contracts of reinsurance;
- (h) “justice” means a provincial judge or a justice of the peace;
- (i) “motor vehicle” has the same meaning as in *The Highway Traffic Act* and includes trailers and accessories and equipment of a motor vehicle;
- (j) “Plan” means the Plan of Operation referred to in subsection 3 of section 7;
- (k) “police officer” means a chief of police or other police officer or constable or a person appointed under section 156 of *The Highway Traffic Act* for the purpose of carrying out the provisions of that Act;
- (l) “Registrar” means the Registrar of Motor Vehicles;
- (m) “regulations” means the regulations made under this Act;
- (n) “Superintendent” means the Superintendent of Insurance.

Compulsory  
automobile  
insurance

**2.—(1)** Subject to the regulations, no owner of a motor vehicle shall,

- (a) operate the motor vehicle; or
- (b) cause or permit the motor vehicle to be operated,

on a highway unless the motor vehicle is insured under a contract of automobile insurance.

(2) For the purposes of subsection 1, where a permit for a motor vehicle has been issued under subsection 3 of section 6 of *The Highway Traffic Act*, “contract of automobile insurance” with respect to that motor vehicle means a contract of automobile insurance made with an insurer.

interpretation  
R.S.O. 1970,  
c.202

(3) Every owner of a motor vehicle who,

Offence

- (a) contravenes subsection 1 of this section or subsection 2 of section 13; or
- (b) surrenders an insurance card for inspection to a police officer, when requested to do so, purporting to show that the motor vehicle is insured under a contract of automobile insurance when the motor vehicle is not so insured,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500 and, in addition, his driver's licence may be suspended for a period of not more than one year.

(4) Where a justice makes a conviction under subsection 3 and the driver's licence of the person convicted is suspended by the justice, the justice shall take the driver's licence and forward it to the Registrar.

Justice to  
secure  
possession  
of driver's  
licence

(5) Where a driver's licence is suspended under this section and the person to whom the suspension applies refuses or fails to surrender his licence to the justice forthwith, any police officer may, and upon the direction of the Registrar shall, take possession of the licence and forward it to the Registrar.

Police  
officer  
may secure  
possession

(6) Every person who fails or refuses to surrender his driver's licence when required by a police officer pursuant to subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence

(7) In the event of a conviction under subsection 3, the justice may order that the motor vehicle,

impounding  
motor vehicle

- (a) that was operated in contravention of subsection 1;
- (b) for which a false statement in respect of insurance was made in contravention of subsection 2 of section 13; or
- (c) for which an insurance card was produced in contravention of clause b of subsection 3,

shall be seized, impounded and taken into the custody of the law for a period of not more than three months.

Cost of  
storage  
R.S.O. 1970.  
c. 267

(8) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle that may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Release of  
vehicle on  
security given  
by owner

(9) If the person convicted under subsection 3 gives security to the satisfaction of the convicting justice, by bond, recognizance or otherwise, that the motor vehicle will not be operated upon a highway during the period specified by the justice in making an order under subsection 7, the motor vehicle may be released to the owner, and if the motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit, as defined in clause *b* of section 5a of *The Highway Traffic Act*.

R.S.O. 1970.  
c. 202

Three year  
limitation  
period

(10) Notwithstanding any other Act, proceedings may be commenced at any time within three years after the date on which an offence was, or is alleged to have been committed, under subsection 1 or clause *b* of subsection 3 of this section or subsection 2 of section 13.

Operator  
to carry  
insurance  
card

**3.—**(1) An operator of a motor vehicle on a highway shall have in the motor vehicle at all times,

(a) an insurance card for the motor vehicle; or

(b) an insurance card evidencing that the operator is insured under a contract of automobile insurance,

and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer.

Offence

(2) A person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Particulars  
to be  
disclosed

**4.—**(1) An operator of a motor vehicle on a highway who is directly or indirectly involved in an accident shall, on the request of any person directly or indirectly involved in the accident, disclose to the person the particulars of the contract of automobile insurance insuring the motor vehicle.

Interpre-  
tation

(2) For the purposes of subsection 1, "particulars of the contract of automobile insurance" means,

(a) the name and address of the insured;

(b) the make, model and serial number of the insured vehicle;

(c) the effective date and expiry date of the contract;

(d) the name of the insurer;

(e) the name of the insurer's agent, if any; and

(f) the policy number of the contract.

5. An agent shall,

Obligations  
of agents

(a) provide to an owner of a motor vehicle who is a resident of Ontario an application for automobile insurance; and

(b) submit to an insurer a completed application for automobile insurance,

when requested to do so by the owner of a motor vehicle.

6.—(1) An insurer shall issue, or cause its agent to issue, an insurance card to a person with whom a contract of automobile insurance is made or whose contract of automobile insurance is renewed.

Insurance  
card to  
be issued

(2) No insurer or its agent shall, on an insurance card, specify an effective date earlier than the date on which the contract of automobile insurance was actually made or misrepresent in any other way the particulars of the automobile insurance.

Misrepresent-  
ations

7.—(1) There is hereby established an unincorporated non-profit association of insurers to be known as the Facility Association.

Facility  
Association  
established

(2) Every insurer is a member of the Association and shall be bound by the articles of association and by-laws of the Association.

Membership

(3) The Association shall, in its articles of association, establish a plan, to be known as the Plan of Operation, for providing a contract of automobile insurance to owners and licensed drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance.

The Plan

(4) The Association shall ensure, through its members, that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan to an insurer under clause *b* of section 5.

Duty of  
Association

(5) Where an agent submits an application under the Plan to an insurer, he shall be bound by the applicable articles of association and by-laws of the Association.

Agents bound  
by  
articles of  
association,  
etc.

(6) For the purposes of Part XVIII of *The Insurance Act*, the Association shall be deemed to be a person engaged in the business of insurance.

Deemed  
person for  
purposes of  
R.S.O. 1970,  
c. 224,  
Part XVIII

(7) The Association may, in its name,

Actions by  
and against  
Association

(a) be prosecuted for an offence under this Act or Part XVIII of *The Insurance Act*; and

(b) sue and be sued.

Board of  
directors

**8.—**(1) The affairs of the Association shall be administered by a board of directors established in accordance with its articles of association.

Information  
to be  
provided to  
Superintendent

(2) The Association shall notify the Superintendent of the names and residence addresses of the persons elected or appointed as officers and directors of the Association forthwith after such election or appointment, and such names and addresses may be made available to the public by the Superintendent.

Service on  
Association

(3) Service on the directors or officers of the Association, or any of them, is good and sufficient service on the Association, and such service may be by personal service or by registered mail.

Idem

(4) Where service on the Association is made by registered mail on a director or officer of the Association under subsection 3, the service shall be deemed to have been made on the fifth day after the day of mailing unless the notice is not delivered or the director or officer to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

By-laws

**9.—**(1) The Association may pass by-laws relating to its affairs and not inconsistent with this Act or the regulations,

(a) providing for the execution of documents by the Association;

(b) respecting banking and finance;

(c) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

(d) providing for the appointment and remuneration of officers and employees of the Association;

(e) respecting the calling, holding and conducting of meetings of the Association and the duties of members of the Association;

(f) delegating to an operating committee such powers and duties of the board of directors as are set out in the by-law, other than the power to make, amend or revoke by-laws;

- (g) prescribing forms and providing for their use;
- (h) respecting management of the property of the Association;
- (i) respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required and for the safekeeping of its securities;
- (j) imposing assessments on members of the Association for the purpose of meeting the operating costs of the Association and the Plan and providing for the collection of such assessments;
- (k) prescribing rules and procedures related to the operation of the Plan; and
- (l) respecting all of the things that are considered necessary for the operation of the Plan, the attainment of the objects of the Association and the efficient conduct of its affairs.

(2) Any power of the Association that may be exercised by by-law under subsection 1 may be provided for in the articles of association of the Association. Articles of association

**10.**—(1) The articles of association and by-laws of the Association shall be filed by the Association with the Superintendent on or before the 1st day of December, 1979. First filing of articles of association and by-laws

(2) Prior to the 31st day of December, 1979, the Superintendent may, by order, Powers of Superintendent on first filing

- (a) prescribe the articles of association and by-laws of the Association where the articles of association and by-laws are not filed in accordance with subsection 1; or
- (b) amend the articles of association or by-laws of the Association filed under subsection 1 where he believes on reasonable and probable grounds that such amendment is necessary for the carrying out of the intent and purposes of the Association and this Act,

and any order made under this subsection may be made retroactive to the 1st day of December, 1979.

(3) Every by-law and every amendment, revision or consolidation of the articles of association or by-laws of the Association shall be filed by the Association with the Superintendent at least thirty Filing of amendments to articles of association and by-laws

days prior to the effective date of the by-law or the amendment, revision or consolidation of the articles of association or by-laws.

Approval of  
Superintendent

(4) No by-law and no amendment, revision or consolidation of the articles of association or by-laws of the Association shall come into effect unless they are approved by the Superintendent.

Filing of  
rates

(5) The Association shall prepare and promulgate rates in respect of contracts provided under the Plan and shall file the rates, together with the statistical evidence and any other information relative to the determination of the rates, with the Superintendent at least sixty days prior to the introduction of the rates.

Duty of  
Superintendent  
to allow or  
disallow  
rates

(6) Within sixty days of a filing being made under subsection 5, the Superintendent shall, by order,

(a) approve the rates so filed; or

(b) disallow the rates so filed, where, in the opinion of the Superintendent, the rates are not in accordance with statistical evidence or experience or other justifiable factor.

Variation  
of rates

(7) Where, in the opinion of the Superintendent, any rates filed under subsection 5 are not in accordance with statistical evidence or experience or other justifiable factor, he may, by his order under clause *a* of subsection 6, approve the rates subject to such variation as may be prescribed in the order.

Effective  
date of  
an order

(8) An order made under this section does not take effect until ten days after the date on which it is served on the Association.

Appeal

(9) The Association may appeal an order made under this section to the Supreme Court.

Stay

(10) Notwithstanding that an appeal is taken under this section, the order appealed from takes effect, but the court may, except in the case of an order made under subsection 2, grant a stay until disposition of the appeal.

Certification  
of documents

(11) The Superintendent shall certify to the registrar of the court,

(a) the decision of the Superintendent, together with any statement of reasons therefor;

(b) the record of any proceedings before the Superintendent; and

- (c) all written submissions to the Superintendent or other material that is relevant to the appeal.

(12) The Superintendent is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Superintendent entitled to be heard

(13) Where an appeal is taken under this section, the court may by its order direct the Superintendent to make such decision or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Superintendent shall make such decision or do such act accordingly. Powers of court

(14) Notwithstanding an order of the court on an appeal, the Superintendent may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. Further decisions

(15) *The Regulations Act* does not apply to an order of the Superintendent made under this section. R.S.O. 1970, c. 410 does not apply

**11.** The members of the board of directors and the officers and employees of the Association shall furnish the Superintendent with such information and financial statements with respect to the Association and the Plan as the Superintendent may from time to time require, and the Superintendent shall make an annual report to the Minister of Consumer and Commercial Relations on the affairs of the Association and the Minister shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Furnishing of information to Superintendent, annual report

**12.—(1)** Where a contract of automobile insurance has been in effect for more than sixty days, the insurer may only terminate the contract under Statutory Condition 8 of section 205 of *The Insurance Act* for one or more of the following reasons: Termination of contracts of insurance R.S.O. 1970, c. 224

1. Non-payment of, or any part of, the premium due under the contract or of any charge under any agreement ancillary to the contract.
2. The insured has given false particulars of the described automobile to the prejudice of the insurer.
3. The insured has knowingly misrepresented or failed to disclose in an application for insurance any fact required to be stated therein.
4. For a material change in risk within the meaning of Statutory Condition 1 of the said section 205.

(2) Subsection 1 does not apply to,

Exception

- (a) an insurer running off its business, where the insurer has specific approval of the Superintendent to cancel a contract; or
- (b) a contract in respect of a motor vehicle used in the course of carrying on a business, trade or profession.

Certificate  
of insurance

R.S.O. 1970,  
c. 202

**13.**—(1) Every person making an application for the issuance, validation or transfer of a permit for a motor vehicle shall certify, in the form prescribed by the regulations, that the motor vehicle is insured under a contract of automobile insurance and the Registrar, notwithstanding subsection 3 of section 6 of *The Highway Traffic Act*, shall not issue, validate or transfer the permit for the motor vehicle, where such certificate of insurance is not provided to the Registrar.

Offence for  
false  
statement

(2) No person shall knowingly make a false statement in the certificate of insurance required under subsection 1.

General  
penalty

**14.**—(1) Except where otherwise provided, every person and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,500.

Contravention  
by insurer

(2) Where an insurer is convicted of an offence under subsection 1, the minimum penalty that may be imposed upon the insurer is \$5,000 and the maximum penalty that may be imposed upon the insurer is \$50,000 and not as provided therein.

Suspension  
or  
cancellation  
of licence  
of insurer

R.S.O. 1970,  
c. 224

(3) In addition to any penalty imposed under this Act, where an insurer contravenes this Act or the regulations, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the licence of the insurer issued under *The Insurance Act*.

Contravention  
by  
Association

(4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations, it is guilty of an offence and on summary conviction is liable to a fine of not less than \$5,000 and not more than \$50,000.

Regulations

**15.** The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or group of persons from the provisions of this Act, subject to such conditions as may be set out in the regulations;
- (b) prescribing identifying markers for all automobiles licensed in Ontario and providing for their use;

- (c) prescribing documents which may be accepted as evidence of the existence of a contract of automobile insurance in lieu of a Motor Vehicle Liability Insurance Card, policy of automobile insurance or certificate of a policy;
- (d) prescribing the type of statistical evidence and other information to be filed in support of rates under subsection 5 of section 10; and
- (e) prescribing forms and providing for their use.

## PART II

### AMENDMENTS TO THE INSURANCE ACT AND THE MOTOR VEHICLE ACCIDENT CLAIMS ACT

**16.**—(1) Subsection 8 of section 201 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 224,  
s. 201 (8),  
repealed

(2) Section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 41, section 5, is repealed. s. 214,  
repealed

(3) Section 230 of the said Act is repealed and the following substituted therefor: s. 230,  
re-enacted

**230.**—(1) Every contract evidenced by a motor vehicle liability policy shall provide for payment of all sums that, Uninsured  
automobile  
coverage

- (a) a person insured under the contract is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injuries resulting from an accident involving an automobile;
- (b) any person is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injury to or the death of a person insured under the contract resulting from an accident involving an automobile; and
- (c) a person insured under the contract is legally entitled to recover from the identified owner or driver of an uninsured automobile as damages for accidental damage to the insured automobile or its contents, or to both the insured automobile and its contents, resulting from an accident involving an automobile,

subject to the terms, conditions, provisions, exclusions and limits as are prescribed by the regulations.

## (2) For the purposes of this section,

(a) “insured automobile” means the automobile as defined or described under the contract;

(b) “person insured under the contract” means,

(i) in respect of a claim for damage to the insured automobile, the owner of the automobile,

(ii) in respect of a claim for damage to the contents of the insured automobile, the owner of the contents,

(iii) in respect of a claim for bodily injuries or death,

a. any person while an occupant of the insured automobile,

b. the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

c. if the insured is a corporation, unincorporated association or partnership, any director, officer, employee or partner of the insured for whose regular use the insured automobile is furnished, and, if residing in the same dwelling premises as such person, his or her spouse and any dependent relative of the person or the spouse,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

where such director, officer, employee or partner or his or her spouse is not the owner of an automobile insured under a contract;

- (c) “unidentified automobile” means an automobile with respect to which the identity of either the owner or driver cannot be ascertained;
- (d) “uninsured automobile” means an automobile with respect to which neither the owner nor driver thereof has applicable and collectible bodily injury liability and property damage liability insurance for its ownership, use or operation, but does not include an automobile owned by or registered in the name of the insured or his or her spouse.

(3) Where a dependent relative referred to in subclause iii of <sup>Idem</sup> clause *b* of subsection 2,

- (a) is the owner of an automobile insured under a contract;  
or
- (b) sustains bodily injuries or dies as the result of accident while the occupant of his own uninsured automobile,

such relative shall be deemed not to be a dependent relative for the purposes of this section.

(4) The Lieutenant Governor in Council may make regula- <sup>Regulations</sup> tions,

- (a) prescribing, amending or altering the terms, conditions, provisions, exclusions and limits with respect to payments under subsection 1;
- (b) deeming any term, condition, provision, exclusion or limit as prescribed, amended or altered by a regulation made under clause *a* to be included in any motor vehicle liability policy made or renewed on or after the effective date of the regulation and in any motor vehicle liability policy that is subsisting on the effective date of the regulation; and
- (c) requiring that terms, conditions, provisions, exclusions and limits, as prescribed, amended or altered by a regulation made under clause *a*, be attached to or included in every motor vehicle liability policy as a Schedule in or to the policy.

(5) Where an amount is paid under subsection 1, the insurer is <sup>Subrogation</sup> subrogated to the rights of the person to whom such amount is

paid and the insurer may maintain an action in its name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured or unidentified automobile.

Release

(6) Any payments made or available to a person under Schedule E constitute, to the extent of such payments, a release by the person or his personal representative or any person claiming through or under him or by virtue of Part V of *The Family Law Reform Act, 1978*, of any claim that he may have under subsection 1, but in no event shall such release enure to the benefit of the person or persons against whom the insurer has a right of subrogation under subsection 5.

1978, c. 2

Application

(7) This section applies to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of March, 1980, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of March, 1980, shall be deemed to provide for the payments referred to in subsection 1 in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

R.S.O. 1970,  
c. 281,  
s. 2 (2, 3, 5),  
repealed

**17.**—(1) Subsections 2, 3 and 5 of section 2 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, are repealed.

s. 3,  
repealed

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 13, section 2, is repealed.

s. 5 (1),  
amended

(3) Subsection 1 of section 5 of the said Act is amended by striking out “no amount of less than \$50 is payable in respect of such loss or property damage” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the damages exceed \$100 is payable out of the Fund”.

s. 6 (1),  
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out “no amount of less than \$50 is payable out of the Fund” in the tenth and eleventh lines and inserting in lieu thereof “only that amount by which the judgment exceeds \$100 is payable out of the Fund”.

### PART III

#### COMMENCEMENT

Commence-  
ment

**18.**—(1) This Act, except sections 2, 3, 4, 5, 6, 12, 13, 16 and 17, comes into force on the day it receives Royal Assent.

(2) Sections 5, 6, 12 and 13, subsection 1 of section 16 and <sup>Idem</sup> subsection 1 of section 17 come into force on the 1st day of December, 1979.

(3) Sections 2, 3 and 4, subsections 2 and 3 of section 16 and <sup>Idem</sup> subsections 2, 3 and 4 of section 17 come into force on the 1st day of March, 1980.

**19.** The short title of this Act is *The Compulsory Automobile* <sup>Short title</sup> *Insurance Act, 1979*.





An Act to provide for  
Compulsory Automobile Insurance

*1st Reading*

November 2nd, 1979

*2nd Reading*

November 20th, 1979

*3rd Reading*

November 29th, 1979

THE HON. FRANK DREA  
Minister of Consumer  
and Commercial Relations

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

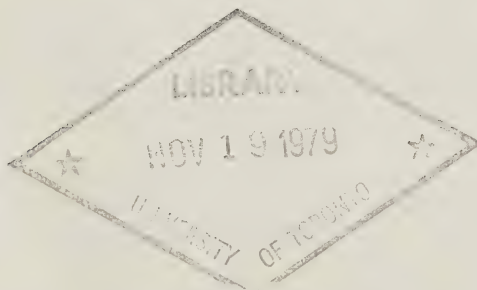
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**An Act to amend  
The Public Commercial Vehicles Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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TORONTO

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#### EXPLANATORY NOTES

SECTION 1. Section 6 (19) of the Act deals with the review of probationary operating licences by the Board. The amendment removes the requirement that the review be under section 19 of *The Ontario Highway Transport Board Act*.

SECTION 2. The amendments clarify some of the powers to make regulations in respect of bills of lading. There is also clarification of the authority to prescribe regions within which certain goods may be picked up by public commercial vehicle operators.

BILL 161

1979

## An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 19 of section 6 of *The Public Commercial Vehicles Act*, <sup>s. 6 (19),  
amended</sup> being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1979, chapter 56, section 6, is amended by striking out “under section 19 of *The Ontario Highway Transport Board Act*” in the fourth and fifth lines.
  
- 2.—(1) Clause *p* of section 18 of the said Act is repealed and the <sup>s. 18 (*p*).  
re-enacted</sup> following substituted therefor:
  - (*p*) prescribing the form and contents of, and information to be contained in, bills of lading issued by holders of licences issued under this Act and exempting any class of holder from any or all of the prescribed requirements;
  
  - (*pa*) prescribing the information to be marked on articles covered by a bill of lading issued by holders of licences issued under this Act and exempting any class of holder from any prescribed provision;
  
  - (*pb*) prescribing conditions deemed to be a part of every contract for the transportation of goods for compensation to which this Act applies.
  
- (2) Section 18 of the said Act, as amended by the Statutes of <sup>s. 18,  
amended</sup> Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13, 1975 (2nd Sess.), chapter 7, section 3 and 1979, chapter 56, section 24, is further amended by adding thereto the following clauses:
  - (*y*) prescribing regions in which the transportation of goods may be commenced by public commercial vehicles pursuant to an operating licence;

(z) respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act.

s. 18.  
amended

(3) The said section 18 is further amended by adding thereto the following subsection:

Regulations  
may be  
limited  
in scope

(2) Any regulation made under subsection 1 may be limited to any class of licence holder or carrier or to any class of licence holder or carrier while transporting a specified commodity.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1979*.







# BILL 161

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An Act to amend  
The Public Commercial Vehicles Act

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*1st Reading*

November 6th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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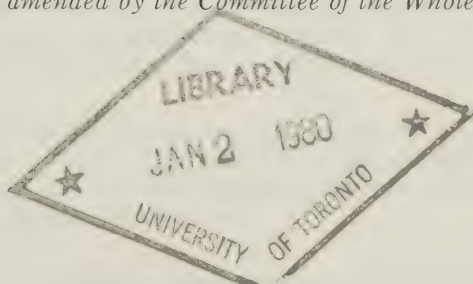
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislation Amendment


An Act to amend  
The Public Commercial Vehicles Act

THE HON. J. W. SNOW  
Minister of Transportation and Communications

*(Reprinted as amended by the Committee of the Whole House)*




#### EXPLANATORY NOTES

 SECTION 1.—Subsection 1. Section 6 (11) of the Act permits an application for a probationary operating licence by a person who was not the holder of a licence within a certain period. The amendment preserves the permission if the applicant held a Class F, FS or R licence.

Subsection 2. The time for an application under section 16 (11) is extended from the 29th day of December, 1979 to the 27th day of February, 1980.

Subsection 3. Section 6 (19) of the Act deals with the review of probationary operating licences by the Board. The amendment removes the requirement that the review be under section 19 of *The Ontario Highway Transport Board Act*.

SECTION 2. The amendments clarify some of the powers to make regulations in respect of bills of lading. There is also clarification of the authority to prescribe regions within which certain goods may be picked up by public commercial vehicle operators.





BILL 161

1979

## An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

-  1.—(1) Subsection 11 of section 6 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1979, chapter 56, section 6, is amended by adding at the end thereof “other than a Class F, FS or R operating licence as prescribed in the regulations”. s. 6 (11),  
amended
- (2) Subsection 15 of the said section 6 is amended by striking out “120” in the second line and inserting in lieu thereof “180”. s. 6 (15),  
amended
- (3) Subsection 19 of the said section 6 is amended by striking out “under section 19 of *The Ontario Highway Transport Board Act*” in the fourth and fifth lines. s. 6 (19),  
amended 
- 2.—(1) Clause *p* of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (*p*),  
re-enacted
- (*p*) prescribing the form and contents of, and information to be contained in, bills of lading issued by holders of licences issued under this Act and exempting any class of holder from any or all of the prescribed requirements;
  - (*pa*) prescribing the information to be marked on articles covered by a bill of lading issued by holders of licences issued under this Act and exempting any class of holder from any prescribed provision;
  - (*pb*) prescribing conditions deemed to be a part of every contract for the transportation of goods for compensation to which this Act applies.

s. 18,  
amended

(2) Section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13, 1975 (2nd Sess.), chapter 7, section 3 and 1979, chapter 56, section 24, is further amended by adding thereto the following clauses:

(y) prescribing regions in which the transportation of goods may be commenced by public commercial vehicles pursuant to an operating licence;

(z) respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act.

s. 18,  
amended

(3) The said section 18 is further amended by adding thereto the following subsection:

Regulations  
may be  
limited  
in scope

(2) Any regulation made under subsection 1 may be limited to any class of licence holder or carrier or to any class of licence holder or carrier while transporting a specified commodity.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1979*.







# BILL 161

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An Act to amend  
The Public Commercial Vehicles Act

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*1st Reading*

November 6th, 1979

*2nd Reading*

December 4th, 1979

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Reprinted as amended by the  
Committee of the Whole House)*

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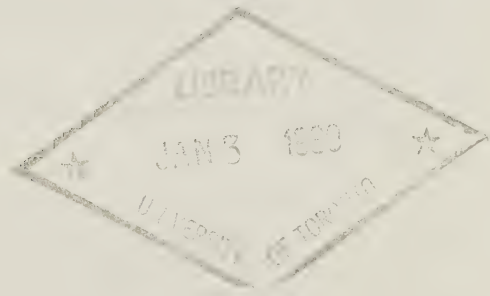
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**BILL 161**

3RD SESSION, 31ST LEGISLATURE, **ONTARIO**  
28 ELIZABETH II, 1979

**An Act to amend  
The Public Commercial Vehicles Act**

**THE HON. J. W. SNOW**  
Minister of Transportation and Communications





BILL 161

1979

## An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 11 of section 6 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1979, chapter 56, section 6, is amended by adding at the end thereof “other than a Class F, FS or R operating licence as prescribed in the regulations”. s. 6 (11),  
amended
  
- (2) Subsection 15 of the said section 6 is amended by striking out “120” in the second line and inserting in lieu thereof “180”. s. 6 (15),  
amended
  
- (3) Subsection 19 of the said section 6 is amended by striking out “under section 19 of *The Ontario Highway Transport Board Act*” in the fourth and fifth lines. s. 6 (19),  
amended
  
- 2.—(1) Clause *p* of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (*p*),  
re-enacted
  - (*p*) prescribing the form and contents of, and information to be contained in, bills of lading issued by holders of licences issued under this Act and exempting any class of holder from any or all of the prescribed requirements;
  
  - (*pa*) prescribing the information to be marked on articles covered by a bill of lading issued by holders of licences issued under this Act and exempting any class of holder from any prescribed provision;
  
  - (*pb*) prescribing conditions deemed to be a part of every contract for the transportation of goods for compensation to which this Act applies.

s. 18.  
amended

(2) Section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13, 1975 (2nd Sess.), chapter 7, section 3 and 1979, chapter 56, section 24, is further amended by adding thereto the following clauses:

(y) prescribing regions in which the transportation of goods may be commenced by public commercial vehicles pursuant to an operating licence;

(z) respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act.

s. 18.  
amended

(3) The said section 18 is further amended by adding thereto the following subsection:

Regulations  
may be  
limited  
in scope

(2) Any regulation made under subsection 1 may be limited to any class of licence holder or carrier or to any class of licence holder or carrier while transporting a specified commodity.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1979*.







An Act to amend  
The Public Commercial Vehicles Act

---

*1st Reading*

November 6th, 1979

*2nd Reading*

December 4th, 1979

*3rd Reading*

December 6th, 1979

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

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An Act to amend  
The Child Welfare Act, 1978

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THE HON. K. C. NORTON  
Minister of Community and Social Services

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## EXPLANATORY NOTES

SECTION 1.—Subsection 1. Clause *e* of section 1 of the Act is amended to make it clear that “judge” applies to a judge of the Unified Family Court. The present clause *e* reads as follows:

- (*e*) “judge”, unless otherwise indicated, means a provincial judge presiding in a provincial court (family division) or in the Unified Family Court.

Subsection 2. The new subsection 2 is enacted to direct the court or a person only to consider those circumstances in the definition of “best interests of the child” that are relevant to the case. This will now apply to any proceeding under the Act. Subsection 6 of section 28 of the Act which only applied to proceedings under Part II of the Act is therefore repealed (see subsection 1 of section 3 of the Bill).

SECTION 2.—Subsection 1. The definition of “child” in clause *a* of subsection 1 of section 19 of the Act is amended so that the definition will apply to a child who was apprehended prior to his sixteenth birthday and who reaches the age of sixteen after an order under Part II was made but before the making of an order of supervision or wardship under section 30 of the Act. The present clause *a* reads as follows:

- (*a*) “child” means a person actually or apparently under sixteen years of age, and in the case of a person who is the subject of an order under subsection 1 of section 30, includes a person under eighteen years of age.

Subsection 2. The definition of “parent” for the purposes of Part II of the Act is re-enacted to exclude persons whose settled intention of parenthood has not been shown within the last twelve months prior to the child coming into care. The new definition would continue to include the mother and father of a child born within marriage and would clarify that the biological father of a child born outside marriage is recognized only where he has acknowledged parentage, has been required to pay financial support for the child or where his parentage has been determined by a court of law. The present clause *e* reads as follows:

- (*e*) “parent” includes,
- (i) a guardian,
  - (ii) a person who has demonstrated a settled intention to treat a child as a child of the person’s family, and
  - (iii) a person who is not recognized in law to be a parent of a child but,
    - 1. has acknowledged a parental relationship to the child and has voluntarily provided for the child’s care and support,
    - 2. by an order of a court of competent jurisdiction or a written agreement, is under a legal duty to provide for the child or has been granted custody of or access to the child, or
    - 3. has made a written acknowledgment of the fact of his or her parentage to the society having or applying for the care or supervision of the child,

but does not include the Crown, a society or a foster parent of a child.

BILL 162

1979

## An Act to amend The Child Welfare Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *e* of section 1 of *The Child Welfare Act, 1978*, being chapter 85, is amended by inserting after “or” in the third line “a judge presiding”. s. 1 (e).  
amended
- (2) The said section 1 is amended by adding thereto the following subsection: s. 1.  
amended
  - (2) In determining the best interest of the child for the purpose of this Act, the court or a person, as the case may be, shall have regard to those considerations in subclauses i to viii of clause *b* of subsection 1 that are, in the opinion of the court, or the person, relevant to the circumstances of the case. Determination  
of best  
interest of  
child
- 2.—(1) Clause *a* of subsection 1 of section 19 of the said Act is amended by striking out “subsection 1 of section 30” in the third and fourth lines and inserting in lieu thereof “this Part”. s. 19 (1) (a).  
amended
- (2) Clause *e* of subsection 1 of the said section 19 is repealed and the following substituted therefor: s. 19 (1) (e).  
re-enacted
  - (e) “parent” means,
    - (i) a guardian of a child appointed at law,
    - (ii) a mother of a child,
    - (iii) a person,
      - (A) who has within twelve months immediately prior to a child being detained in a place of safety under clause *a* of subsection 1 of section 21 or clause *a* of subsection 2 of section 22 or being

brought before the court on an order to produce under clause *b* of subsection 1 of section 21 or clause *b* of subsection 2 of section 22, as the case may be,

1. acknowledged that he is the father of the child and has voluntarily provided for the child's care and support, or
2. demonstrated a settled intention to treat the child as a child of the person's family,

(B) who has made a written acknowledgment of the fact of his or her parentage to the society having or applying for the care or supervision of a child,

(C) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,

(D) who has filed under section 12 of *The Children's Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, or

(E) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children's Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or a foster parent of a child.

**3.—**(1) Subsection 6 of section 28 of the said Act is repealed.

(2) Subsection 14 of the said section 28 is repealed and the following substituted therefor:

(14) The court, with the consent of all parties present at the hearing, may adjourn the hearing under subsection 13 for a period longer than thirty days, unless a party who is not present at the hearing informs the court in writing before the adjournment is granted that the party does not consent to a longer adjournment

1977, c. 41

s. 28 (6).  
repealed

s. 28 (14).  
re-enacted

Longer  
period of  
adjournment

SECTION 3.—Subsection 1. The repeal of subsection 6 of section 28 of the Act is consistent with the addition of subsection 2 to section 1 of the Act (see subsection 2 of section 1 of the Bill).

Subsection 2. Subsection 14 of section 28 of the Act is amended to clarify that only parties present at an adjournment hearing can consent to the adjournment for a period longer than thirty days, but that such adjournment cannot be granted where the court is aware that a party who is not present at the hearing objects to the adjournment for the longer period. The present subsection 14 reads as follows:

(14) *The court having regard to all the circumstances of the case and with the consent of the parties may adjourn a hearing under subsection 13 for a period longer than thirty days, and, where the court grants such longer period of adjournment, the order for adjournment shall contain the court's reasons for granting such longer period.*

SECTION 4. Clause *b* of subsection 1 of section 37 of the Act is re-enacted to clarify that the reference is only to an agreement made under subsection 1 of section 25. The present clause *b* reads as follows:

*(b) pursuant to an agreement under section 25; or*

. . . . .

SECTION 5.—Subsection 1. The change in the definition of “parent” in subsection 1 of section 69 of the Act is consistent with the change made in clause *e* of subsection 1 of section 19 of the Act (see subsection 2 of section 2 of the Bill).

and, where the court grants such longer period of adjournment, the court shall give reasons for granting such longer period.

4. Clause *b* of subsection 1 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (1) (b),  
re-enacted

(b) pursuant to an agreement under subsection 1 of section 25; or

. . . . .

- 5.—(1) Subsection 1 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (1),  
re-enacted

(1) In this section, “parent” means, Interpre-  
tation

(a) a guardian of a child appointed at law;

(b) a mother of a child;

(c) a person,

(i) who has within twelve months immediately prior to a child being placed for adoption,

(A) acknowledged that he is the father of the child and has voluntarily provided for the child’s care and support, or

(B) demonstrated a settled intention to treat the child as a child of the person’s family,

(ii) who has made a written acknowledgment of the fact of his parentage to the adoption agency or licensee under subsection 5 of section 60 placing a child for adoption, as the case may be,

(iii) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,

(iv) who has filed under section 12 of *The Children’s Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, 1977, c. 41

(v) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children’s Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or foster parent of a child.

s. 69 (7),  
amended

- (2) Subsection 7 of the said section 69 is amended by striking out “upon application by the applicant for the adoption” in the second and third lines.

s. 69 (8),  
amended

- (3) Subsection 8 of the said section 69 is amended by striking out “application for” in the fourth and fifth lines and inserting in lieu thereof “proposed”.

s. 69,  
amended

- (4) The said section 69 is amended by adding thereto the following subsection:

Entitle-  
ment to  
notice

- (16) No person,

(a) who has consented to an order for adoption in accordance with this Act;

(b) whose consent a court has dispensed with in accordance with this Act; or

(c) who is a parent of a Crown ward placed for adoption,

is entitled to receive notice of the proposed adoption.

s. 69a,  
enacted

- 6.** The said Act is amended by adding thereto the following section:

Application  
of R.S.O.  
1970, c. 64,  
s. 73

69a.—(1) Notwithstanding section 96, subsections 1 and 2 of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, shall be deemed to apply to an order for the adoption of a child who is placed for adoption before this Act comes into force, and subsection 2 of section 69 does not apply to such adoption.

Reference to  
R.S.O. 1970,  
c. 64, s. 69 (2)

(2) For the purpose of an order for adoption referred to in subsection 1, a reference in section 69 to subsection 2 of section 69 shall be deemed to be a reference to subsection 1 or 2, as the case may be, of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970.

s. 74 (2),  
re-enacted

- 7.** Subsection 2 of section 74 of the said Act is repealed and the following substituted therefor:

Idem

(2) An order for adoption shall not be made where the court has made a decision under,

(a) subsection 7 of section 69 dispensing with the requirement of a consent; or

Subsections 2 and 3. Subsections 7 and 8 of section 69 of the Act are amended to clarify that an application to dispense with consent to an adoption may be made before the adoption proceedings begin and that such application can be made by a person other than the applicant for adoption. The present subsections 7 and 8 read as follows:

- (7) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.*
- (8) The court shall not dispense with a consent required under this section, except a consent required under subsection 6, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that reasonable effort has been made, in the opinion of the court, to cause such person to be notified.*

Subsection 4. The new subsection 16 of section 69 of the Act is added to clarify that a person who has consented to an adoption, a person whose consent is dispensed with or a parent of a Crown ward is not entitled to receive notice of the adoption proceedings.

SECTION 6. The new section 69a is included so as to enable adoption placements that were commenced before the new Act came into force to continue as if under the old Act after the 15th day of June, 1979 with respect to the signing of consents. These provisions will eliminate the necessity of having to get the additional consents that are required under the new Act yet will continue all other provisions of the new Act with respect to consents once the consents have been obtained.

SECTION 7. Subsection 2 of section 74 of the Act is re-enacted to provide that an adoption order shall not be made after an order refusing the withdrawal of a consent until any appeal from the latter order has been completed or until the time for any appeal has expired. The present subsection 2 reads as follows:

- (2) An adoption order shall not be made where the court has made a decision under subsection 7 of section 69 granting or refusing the dispensing of the requirement of the giving of consent until,*
  - (a) any appeal under subsection 3 of section 84 in respect of the decision has been disposed of; or*
  - (b) the time for commencing an appeal under subsection 5 of section 84 in respect of the decision has expired,*

*whichever is the later.*

SECTION 8.—Subsection 1. Paragraph 17 of subsection 1 of section 89 of the Act is re-enacted to clarify that the Lieutenant Governor in Council's authority to make regulations relating to the developmentally handicapped extends to the entering into of non ward agreements. The present paragraph 17 reads as follows:

*17. for the purposes of subsection 9 of section 25, prescribing the manner of determining the nature and degree of a developmental handicap that would render a child incapable of consenting to an agreement made under that section.*

Subsection 2. The new paragraph 35 of section 89 of the Act provides for an alternate method of serving notices required under the Act (see present section 91 of the Act).

- (b) subsection 9 of section 69 refusing an application for withdrawal of a consent,

until

- (c) any appeal under subsection 2 or 3 of section 84, as the case may be, in respect of the decision has been disposed of; or
- (d) the time for commencing an appeal under subsection 5 of section 84 in respect of the decision has expired,

whichever is the later.

- 8.**—(1) Paragraph 17 of subsection 1 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (1).  
par. 17.  
re-enacted

17. for the purposes of subsections 9 and 11 of section 25, prescribing the manner of determining the nature and degree of a developmental handicap.

- (2) Subsection 1 of the said section 89 is amended by adding thereto the following paragraph: s. 89 (1).  
amended

35. prescribing a method of delivering, filing or serving any notice or class of notice required to be delivered, filed or served under this Act.

- 9.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

- 10.** The short title of this Act is *The Child Welfare Amendment Act*, Short title  
1979.

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An Act to amend  
The Child Welfare Act, 1978

---

*1st Reading*

November 6th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. K. C. NORTON  
Minister of Community and  
Social Services

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*(Government Bill)*

1120N  
XB  
B56

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Child Welfare Act, 1978

THE HON. K. C. NORTON  
Minister of Community and Social Services





BILL 162

1979

## An Act to amend The Child Welfare Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Child Welfare Act, 1978*, being chapter 85, is amended by inserting after “or” in the third line “a judge presiding”. s. 1 (e),  
amended

(2) The said section 1 is amended by adding thereto the following subsection: s. 1,  
amended

(2) In determining the best interest of the child for the purpose of this Act, the court or a person, as the case may be, shall have regard to those considerations in subclauses i to viii of clause *b* of subsection 1 that are, in the opinion of the court, or the person, relevant to the circumstances of the case. Determination  
of best  
interest of  
child

2.—(1) Clause *a* of subsection 1 of section 19 of the said Act is amended by striking out “subsection 1 of section 30” in the third and fourth lines and inserting in lieu thereof “this Part”. s. 19 (1) (a),  
amended

(2) Clause *e* of subsection 1 of the said section 19 is repealed and the following substituted therefor: s. 19 (1) (e),  
re-enacted

(e) “parent” means,

(i) a guardian of a child appointed at law,

(ii) a mother of a child,

(iii) a person,

(A) who has within twelve months immediately prior to a child being detained in a place of safety under clause *a* of subsection 1 of section 21 or clause *a* of subsection 2 of section 22 or being

brought before the court on an order to produce under clause *b* of subsection 1 of section 21 or clause *b* of subsection 2 of section 22, as the case may be,

1. acknowledged that he is the father of the child and has voluntarily provided for the child's care and support, or
  2. demonstrated a settled intention to treat the child as a child of the person's family,
- (B) who has made a written acknowledgment of the fact of his parentage to the society having or applying for the care or supervision of a child,
- (C) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,
- (D) who has filed under section 12 of *The Children's Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, or
- (E) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children's Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or a foster parent of a child.

s. 28 (6),  
repealed

**3.—**(1) Subsection 6 of section 28 of the said Act is repealed.

s. 28 (14),  
re-enacted

(2) Subsection 14 of the said section 28 is repealed and the following substituted therefor:

Longer  
period of  
adjournment

(14) The court, with the consent of all parties present at the hearing, may adjourn the hearing under subsection 13 for a period longer than thirty days, unless a party who is not present at the hearing informs the court in writing before the adjournment is granted that the party does not consent to a longer adjournment

and, where the court grants such longer period of adjournment, the court shall give reasons for granting such longer period.

4. Clause *b* of subsection 1 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (1) (b),  
re-enacted

(b) pursuant to an agreement under subsection 1 of section 25; or

- 5.—(1) Subsection 1 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (1),  
re-enacted

(1) In this section, “parent” means, Interpre-  
tation

(a) a guardian of a child appointed at law;

(b) a mother of a child;

(c) a person,

(i) who has within twelve months immediately prior to a child being placed for adoption,

(A) acknowledged that he is the father of the child and has voluntarily provided for the child’s care and support, or

(B) demonstrated a settled intention to treat the child as a child of the person’s family,

(ii) who has made a written acknowledgment of the fact of his parentage to the adoption agency or licensee under subsection 5 of section 60 placing a child for adoption, as the case may be,

(iii) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,

(iv) who has filed under section 12 of *The Children’s Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, 1977, c. 41

(v) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children’s Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or foster parent of a child.

s. 69 (7),  
amended

- (2) Subsection 7 of the said section 69 is amended by striking out “upon application by the applicant for the adoption” in the second and third lines.

s. 69 (8),  
amended

- (3) Subsection 8 of the said section 69 is amended by striking out “application for” in the fourth and fifth lines and inserting in lieu thereof “proposed”.

s. 69,  
amended

- (4) The said section 69 is amended by adding thereto the following subsection:

Entitle-  
ment to  
notice

- (16) No person,

(a) who has consented to an order for adoption in accordance with this Act;

(b) whose consent a court has dispensed with in accordance with this Act; or

(c) who is a parent of a Crown ward placed for adoption,

is entitled to receive notice of the proposed adoption.

s. 69a,  
enacted

6. The said Act is amended by adding thereto the following section:

Application  
of R.S.O.  
1970, c. 64,  
s. 73

69a.—(1) Notwithstanding section 96, subsections 1 and 2 of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, shall be deemed to apply to an order for the adoption of a child who is placed for adoption before this Act comes into force, and subsection 2 of section 69 does not apply to such adoption.

Reference to  
R.S.O. 1970,  
c. 64, s. 69 (2)

(2) For the purpose of an order for adoption referred to in subsection 1, a reference in section 69 to subsection 2 of section 69 shall be deemed to be a reference to subsection 1 or 2, as the case may be, of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970.

s. 74 (2),  
re-enacted

7. Subsection 2 of section 74 of the said Act is repealed and the following substituted therefor:

Idem

(2) An order for adoption shall not be made where the court has made a decision under,

(a) subsection 7 of section 69 dispensing with the requirement of a consent; or

- (b) subsection 9 of section 69 refusing an application for withdrawal of a consent,

until

- (c) any appeal under subsection 2 or 3 of section 84, as the case may be, in respect of the decision has been disposed of; or
- (d) the time for commencing an appeal under subsection 5 of section 84 in respect of the decision has expired,

whichever is the later.

- 8.**—(1) Paragraph 17 of subsection 1 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (1),  
par. 17,  
re-enacted

17. for the purposes of subsections 9 and 11 of section 25, prescribing the manner of determining the nature and degree of a developmental handicap.

- (2) Subsection 1 of the said section 89 is amended by adding thereto the following paragraph: s. 89 (1),  
amended

35. prescribing a method of delivering, filing or serving any notice or class of notice required to be delivered, filed or served under this Act.

- 9.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

- 10.** The short title of this Act is *The Child Welfare Amendment Act*, Short title  
1979.

# BILL 162

An Act to amend  
The Child Welfare Act, 1978

## *1st Reading*

November 6th, 1979

## *2nd Reading*

December 3rd, 1979

## *3rd Reading*

December 6th, 1979

THE HON. K. C. NORTON  
Minister of Community and  
Social Services

W 387







